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Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[WFO 9-6, Amdt. 1]

PART 1220—FEED

LIMITATIONS ON MIXED FEED MANUFACTURERS

Correction

In F. R. Doc. 44-11737, appearing on page 9582 of the issue for August 8, 1944, the bracketed document designation should read as set forth above.

Chapter XI—War Food Administration (Distribution Orders)

[WFO 10-1]

PART 1432—RICE

REQUIREMENT OF REPORTS

Pursuant to the authority vested in me by the provisions of War Food Order No. 10 as amended (9 F.R. 8174), it is hereby ordered that:

§ 1432.2 *Reports of production and shipments*—(a) *Reports required.* Every person who is a "miller" as defined in War Food Order No. 10, as amended, shall file with the Administrator of said order, War Food Administration, Washington 25, D. C., prior to the 15th day of each month (on Form FDO 10-2, furnished by the said Order Administrator) a report for the preceding calendar month showing:

(1) The quantity of rough rice milled by him;

(2) The quantities of brown rice and of milled rice produced by him;

(3) The quantity of brown and milled rice shipped by him (i) to governmental agencies; (ii) to the export trade; and (iii) to domestic civilian trade;

(4) The quantities of milled rice shipped by him to each of the governmental agencies specified in the report form;

(5) The quantity of milled rice sold to governmental agencies since October 1, 1944, which remains unshipped at the end of the month for which the report is made.

(b) *Effective date.* This order shall become effective at 12:01 a. m., e.w.t., August 9, 1944.

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 10, Amdt. 5, 9 F.R. 8174)

Issued this 8th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-11908; Filed, August 9, 1944; 12:06 p. m.]

[WFO 45, Amdt. 5]

PART 1491—BEANS

RESTRICTIONS ON DELIVERIES OF BEANS

War Food Order No. 45, as amended (8 F.R. 14880, 9 F.R. 4319), is further amended to read as follows:

§ 1491.1 *Beans required to be set aside*—(a) *Definitions.* (1) "Beans" means dry threshed beans of the following classes, as defined in the United States Standards for Beans, as revised, effective September 1, 1941: Pea beans; Great Northern beans; Small White beans; Flat Small White beans; Light Red Kidney beans; Dark Red Kidney beans; Pink beans; Western Red Kidney beans; Cranberry beans; Small Red beans; Pinto beans; and Baby Lima beans.

(2) "Authorized purchaser" means any person who holds an existing contract to sell or deliver to a governmental agency products prepared, in whole or in part, from beans.

(3) "Country shipper" means any person whose total deliveries of beans, exclusive of his deliveries thereof to another country shipper, during any calendar month subsequent to July 1, 1943, has exceeded or exceeds 20,000 pounds, and who (i) owns beans, in whole or in part,

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FEDERAL REGISTER

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which he has caused to be screened, sorted, hand-picked, polished, or otherwise cleaned for delivery in the dry, uncooked state, whether for his own account or the joint account of himself and another; or (ii) purchases, for his own account or for the joint account of himself and another, beans from a grower who caused such beans to be screened, sorted, hand-picked, polished, or otherwise cleaned for delivery in the dry, uncooked state. Any person who once qualifies as a country shipper within this definition shall thereafter be deemed to be a country shipper and subject to the terms and conditions of this order, regardless of the volume of his deliveries in succeeding months, unless he obtains a release from the Director.

(4) "Delivery" means the physical transfer of beans from a country shipper to a buyer. The transfer of beans by a country shipper to a carrier, truck, railroad car, or other vehicle for transportation to the buyer, regardless of the ownership or control of the carrier or vehicle being used for such transportation, shall constitute a delivery.

(5) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(6) "Director" means the Director of Distribution, War Food Administration.

(7) "Governmental agency" means (i) the armed services of the United States; (ii) the War Food Administration (including but not restricted to any corporate agency thereof); and (iii) any other instrumentality or agency designated by the War Food Administration.

(8) "Armed services of the United States" means the Army, Navy, Marine Corps, and Coast Guard of the United States, excluding, however, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations.

(9) "Deliveries into civilian channels" means any delivery of beans to persons other than (i) governmental agencies; (ii) authorized purchasers; (iii) country shippers; or (iv) users of such beans for feed or seed purposes.

(b) *Restrictions on country shippers.* (1) Every country shipper shall, during each calendar month, set aside and thereafter hold for delivery to governmental agencies or authorized purchasers a quantity of Pea beans, Great Northern beans, Flat Small White beans, Cranberry beans, Small Red beans or Pinto beans equal to at least 25 percent of his total deliveries of such classes of beans into civilian channels during such calendar month, and a quantity of Small White beans, Light Red Kidney beans, Dark Red Kidney beans, Western Red Kidney beans, Pink beans or Baby Lima beans equal to at least 100 percent of his total deliveries of such classes of beans into civilian channels during such calendar month.

(2) The beans set aside pursuant to the provisions hereof shall be of U. S. No. 2 grade or better, as specified in the United States Standards for Beans.

(3) Beans set aside under this order may be sold to:

(i) Any governmental agency in response to announcements or notices by such agencies that offers for beans will be received;

(ii) Any authorized purchaser who furnishes a certificate in accordance with (c) hereof; or

(iii) Any country shipper who acquires such beans for the express purpose of resale and delivery to an authorized purchaser or governmental agency, and who furnishes a certificate in accordance with (c) hereof.

(4) Nothing in this order shall be applicable to beans sold and delivered exclusively for use as seed, in compliance with State and Federal seed laws, or exclusively for use as feed for poultry or livestock, provided the purchaser of such beans furnishes a certificate in accordance with (c) hereof.

(c) *Certificates required.* Every authorized purchaser or country shipper who purchases or accepts delivery of beans which have been set aside under this order, and every person who purchases or accepts delivery of any beans for use as seed or as feed for poultry or livestock, shall furnish to the seller a certificate in the form attached hereto as Exhibit A. A separate certificate shall be furnished for each delivery. Each certificate shall be signed by the buyer or his authorized representative and shall constitute a representation to the War Food Administrator. One copy of the certificate shall be delivered to the country shipper and one copy retained by the purchaser. All certificates shall be retained by the country shipper, for at least two years, for inspection by and delivery to the Director upon request. No country shipper shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(d) *Contracts.* The restrictions hereof shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of beans made prior to the effective date hereof. This order shall not, however, be construed as reducing the amount of beans which any person is required to set aside or deliver or to have set aside and held for delivery to governmental agencies under the provisions of this order prior to the effective date of this amendment or any existing contract made with a governmental agency, but any quantity of beans delivered after the effective date of this order to any governmental agency or authorized purchaser, except beans required to be set aside pursuant to the provisions of this order prior to the effective date of this amendment for delivery to governmental agencies, shall be allowed as a credit to such person in determining the quantity of beans required to be set aside and held for delivery to governmental agencies pursuant to the provisions hereof.

(e) *Prior restrictions modified.* Beans in quantities less than a carlot (80,000 pounds) required to be set aside pursuant to the provisions of this order prior to July 1, 1943, may be sold and delivered to a country shipper if such country shipper certifies to the seller (and such certification shall be deemed to be a representation to an agency of the United States) that he will set aside and hold such beans, or a quantity of beans equivalent thereto, for delivery to a governmental agency in addition to the quantity of beans he is otherwise required to set aside under this order, as amended. Beans set aside prior to July 1, 1943, in quantities in excess of a carlot (80,000 pounds) may be sold and delivered in accordance with the provisions of paragraphs (b) (3) and (c) of this order, as amended.

(f) *Records and reports.* (1) The Director shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in beans.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises, or stocks of beans of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship upon him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(i) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using beans. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Releases.* (1) The Director may, notwithstanding any of the provisions hereof, release any or all of the beans set aside pursuant to the provisions of this order.

(2) Upon application, the Director may release any person from the classification of a "country shipper" if the person seeking removal from such classification shows to the satisfaction of the Director (i) that his total deliveries of beans during each of the two calendar months next preceding the date of his application, exclusive of his deliveries to any country shipper, have not exceeded 20,000 pounds; (ii) that he is currently in compliance with the provisions of the order; (iii) that he has delivered or contracted to deliver to governmental agencies or authorized purchasers all of the beans required to be set aside except a quantity of less than a carlot; and (iv) that he does not intend to operate as a country shipper.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to the Order Administrator, War Food Order No. 45, Grain Products Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Ref.: WFO 45.

(l) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(m) *Release of set aside peas and split peas.* Peas and split peas, set aside pursuant to the provisions of War Food Order No. 45, as amended, are hereby released and may be disposed of without regard to the restrictions of this order in effect prior to the effective date of this amendment.

(n) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(o) *Effective date.* This amendment shall become effective at 12:01 a. m., e. w. t., August 10, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 45, as amended, prior to said date, all provisions of said War Food Order No. 45, as amended, in effect prior hereto shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and all subsequent reporting and record-keeping requirements of this order will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 9th day of August 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

EXHIBIT A—CERTIFICATE REQUIRED BY PARAGRAPH (c) OF WAR FOOD ORDER NO. 45 COVERING BEANS PURCHASED BY AUTHORIZED PURCHASERS, COUNTRY SHIPPERS, OR FOR SEED OR FEED PURPOSES

Name of government agency and contract number

Name of authorized purchaser to whom delivery will be made

Use (If for feed or seed purposes, indicate which)

Commodity and Class

Grade

Quantity

Date

In accordance with War Food Order No. 45, the undersigned hereby certifies that he is familiar with the terms of War Food Order No. 45 (as originally issued or subsequently amended), that the purchase of beans described above from

---

Name of seller Address of seller

is authorized under War Food Order No. 45, and that the beans described above will be:

*Used in fulfillment of the above-specified contract with a governmental agency,

*Delivered to the above-named authorized purchaser,

*Delivered to the above-named governmental agency,

*Used for feed or seed purchases.

Name of buyer

By ---

Title of person executing certificate

Address of buyer

*Strike inapplicable provisions.

[F. R. Doc. 44–11909; Filed, August 9, 1944; 3:40 p. m.]

[WFO 80, 80–1, Termination]

PART 1405—FRUITS AND VEGETABLES

CONCORD GRAPES

War Food Orders Nos. 80 (8 F.R. 12527; 9 F.R. 4321, 4319) and 80–1 (8 F.R. 12963; 9 F.R. 4321, 4319) are hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., August 11, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under the aforesaid orders, respectively, prior to the effective time hereof, all provisions of such orders in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any action, suit, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 9th day of August 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–11910; Filed, August 9, 1944; 3:46 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

RULINGS BY NATIONAL WAGE STABILIZATION DIRECTOR

The following section has been added to the rules of procedure of the National War Labor Board:

§ 802.50 *Rulings by National Wage Stabilization Director.* (a) The National Wage Stabilization Director is authorized to approve or disapprove those voluntary applications for wage or salary adjustments properly before the National Board which, in his judgment, do not involve questions of sufficient importance or novelty to warrant presentation to the National Board.

(b) If the National Wage Stabilization Director disapproves the application, or approves a lesser increase than that requested, the applicant or applicants may within fourteen days after the date of issuance of the ruling file with the National War Labor Board a petition for review by that Board of the action of the National Wage Stabilization Director. Upon receipt of such a petition the National Board shall rule upon the application on the basis of the entire record of the case and such other information as may be available to it.

(E.O. 9250, 7 F.R. 7871)

Approved: July 17, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44–11929; Filed, August 10, 1944; 10:07 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 207]

PART 802—GENERAL LICENSES

GENERAL LICENSE FOR MEXICAN BORDER ZONE

Correction

In F.R. Doc. 44–11885, appearing on page 9713 of the issue for Thursday, August 10, 1944, the amendment number should appear in the heading of the document as set forth above.

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 FR. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–598]

FRANK COLLEY, SR.

Frank Colley, Sr., of Butler, Pennsylvania, in December, 1943, began and thereafter continued construction without permission of the War Production Board in remodeling a brick and frame two-story building to be used as a retail store and two-family apartment at a cost of approximately $8,000. This was a violation of Conservation Order L–41, which placed a limit of $200 on such construction. Frank Colley, Sr., in October, 1943, had filed an application with the War Production Board for authority to begin construction on these premises, which was denied about November 13, 1943, and his beginning and carrying on this construction was in wilful violation of Conservation Order L–41.

This violation of Conservation Order L–41 has diverted critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States of America. In view of the foregoing, it is hereby ordered, that:

§ 1010.598 *Suspension Order No. S–598.* (a) Neither Frank Colley, Sr., his successors or assigns, nor any other person, shall do any construction on the premises at 324 South Main Street, Butler, Pennsylvania, including putting up or altering the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Frank Colley, Sr., his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 9th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–11914; Filed, August 9, 1944; 4:19 p. m.]

PART 1075—CONSTRUCTION

[Limited Preference Order P–55–c, Interpretation 1]

RULES GOVERNING CONSTRUCTION OF HOUSING PROJECTS AUTHORIZED BEFORE THE EFFECTIVE DATE OF P–55–C

The following interpretation is issued with respect to Limited Preference Order P–55–c:

Under paragraph (g) of P–55–c housing projects authorized before the effective date of P–55–c may be constructed under the provisions of the specific authorization or under the provisions of P–55–c, at the election of the owner. This means that the owner may, if he wishes, take advantage of any relaxation in the War Housing Critical List or War Housing Construction Standards appearing in Schedules I and II of P–55–c. He may also, if he wishes, take advantage of the method of using the preference rating and allotment symbol outlined in paragraphs (d) and (e) of P–55–c.

Paragraph (g) of P–55–c does not however authorize anyone to build a different kind of house than that authorized by the approval of his application except as explained above. The house must be built at the same location for which it was approved on the application; it must contain the same number of rooms,

and must otherwise conform with the description of the project contained in the application as approved.

Issued this 10th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-11955; Filed, August 10, 1944; 11:18 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-240, as Amended Aug. 10, 1944]

NEWSPAPERS

§ 3133.6 *Limitation Order L-240*—(a) *The purpose of this order.* This order does two things: First, it limits the tonnage of print paper which may be used by a publisher in printing a newspaper. This is called his "consumption quota". Second, it limits the tonnage of print paper which may be ordered or accepted by a newspaper publisher. This is called his "delivery quota". A publisher's consumption quota is on a quarterly basis and his delivery quota is on a monthly basis.

Definitions and Explanations

(b) *Newspaper.* "Newspaper" means any publication generally recognized as a newspaper in the newspaper industry, regardless of the frequency of issuance. The term includes all supplements, inserts and other printed matter physically incorporated into a newspaper or delivered together with it.

Where two or more newspapers are published by the same publisher, whether in the same city or in different cities, each newspaper shall operate under a separate consumption quota and a separate delivery quota. In computing his consumption quota a publisher must make separate calculations for morning, evening and Sunday editions, but these figures must be consolidated into a single consumption quota for each newspaper, in accordance with the instructions contained in paragraph (k).

However, morning, evening, Sunday and other editions of the same newspaper shall operate under a single consumption quota and a single delivery quota.

In determining whether a publisher issues separate newspapers or separate editions of the same newspaper, the number and form of the reports customarily filed by the publisher with the Audit Bureau of Circulations will be controlling, in the absence of special circumstances. Thus, if a publisher filed consolidated statements with the Audit Bureau of Circulations covering morning, evening and Sunday issues, even if these issues had different names, different formats and different staffs, they will ordinarily be considered as a single newspaper for the purposes of this order. If a publisher filed separate statements with the Audit Bureau of Circulations covering his morning, evening, Sunday and other publications, they will ordinarily be considered as separate newspapers for the purposes of this order.

(c) *Camp papers and free distribution publications.* Army or Navy camp, post, station or unit "newspapers" or news sheets generally are not recognized as newspapers in the newspaper industry. They are covered by Order L-241 (commercial printing). Shopping guides, want ad periodicals and publications in newspaper format distributed free or at nominal cost also are not recognized as newspapers within the meaning of this order and are governed by Order L-241, Schedule II.

(d) *Publisher.* "Publisher" means a person who publishes a newspaper, including an individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(e) *Print paper.* "Print paper" means any grade, quality, type or basis weight of paper used in publishing a newspaper. The term includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber. It also includes roll wrappers, newsprint used as wrappers, identification sheets and labels for newspapers, and production waste, whether or not this waste is subsequently salvaged for other uses.

(f) *Use.* All production waste shall be included in the tonnage of print paper "used" in printing a newspaper. Transit damage shall not be included in a publisher's "use" of print paper. A roll of print paper is considered "used" when it is first opened and placed in production.

(g) *Net paid circulation.* "Net paid circulation" means the number of copies of a newspaper which have been sold (exclusive of bulk sales), as audited by the Audit Bureau of Circulations or (in the case of newspapers which are not members of the Audit Bureau of Circulations) as verified in accordance with the standards of the Audit Bureau of Circulations of January 1, 1942.

(h) *Inventory.* "Inventory" means all the print paper which is owned by a publisher or is available for his use. It includes the print paper which he has on hand, in storage, and in transit, and paper held for his use by a paper merchant, warehouseman or other person, regardless of its physical location.

(i) *Transfer of quotas*—(1) *Quotas established by different orders.* Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the printing of a newspaper any part of a consumption quota established under Orders L-241 (commercial printing), L-244 (magazines) or L-245 (books) and he may not permit any part of his consumption quota established under this order to be used for commercial printing, magazines or books. If a newspaper publisher also conducts a job printing business, he must keep these two operations separate for quota purposes. The amount of print paper which he is permitted to consume and the amount which he is permitted to order or accept for the publication of his newspaper is limited by this order. The amount of print paper which he is permitted to consume and the amount which he is permitted to accept for his commercial printing business is limited by Order L-241.

(2) *Transfer of quotas to different persons.* The rules governing the assignability of quotas are set forth in Priorities Regulation 7a.

Consumption Quota

(j) *Allowable consumption.* In the first quarter of 1944, and in each calendar quarter after that, no publisher may use or cause to be used, in the publication of a newspaper, print paper in excess of:

(1) His quarterly consumption quota, which shall be computed in accordance with the instructions set forth in paragraph (k), plus

(2) Any less-than-quota savings carried over from previous calendar quarters, as provided in paragraph (l), plus

(3) Ex-quota tonnage, if any, which may have been granted on appeal for consumption in that quarter.

(k) *Computation of consumption quota*—(1) *Base tonnages.* Ascertain, separately, the tonnage of print paper comprising the net paid circulation of morning, evening, Sunday or other issues of the newspaper in the corresponding quarter of 1941. Add 3 per cent to each figure. (This 3 per cent is an arbitrary allowance to compensate for production waste and should be added whether the actual production waste in 1941 was greater or less than 3 per cent). These are the "base tonnages" for morning, evening, Sunday or other issues of the newspaper, which shall be adjusted in accordance with instructions 2, 3, and 4.

(2) *Circulation increase.* Ascertain, separately, the percentage increase or decrease in average net paid circulation of morning, evening, Sunday or other issues of the newspaper in the calendar year 1942 as compared with the calendar year 1941. (The average net paid circulation for each year shall be determined by adding together the average net paid circulation for each of the four quarters of the year and dividing by four).

(3) *Tonnage equivalent of circulation increase.* Apply, separately, the respective percentages of circulation increase or decrease determined under instruction number 2 to the respective base tonnages determined under instruction number 1 for morning, evening, Sunday or other issues of the newspaper.

(4) *Adjustment of base tonnages.* Adjust the respective base tonnages determined under instruction number 1 by adding or subtracting the number of tons represented by the percentage circulation gain or loss determined under instruction number 3.

(5) *Total adjusted base tonnage.* Total the respective base tonnages for morning, evening, Sunday or other issues of the newspaper determined under instruction number 1. Total the respective adjusted base tonnages for morning, evening, Sunday, or other issues of the newspaper determined under instruction number 4. The larger of these two totals is the publisher's "total adjusted base tonnage" from which the required reductions shall be applied.

(6) *Sliding scale of reductions.* Reduce the total adjusted base tonnage by the following sliding scale of percentage cuts:

(i) Deduct 4% of the amount over 25 tons but not over 125 tons.
(ii) Deduct 8% of the amount over 125 tons but not over 250 tons.
(iii) Deduct 12% of the amount over 250 tons but not over 500 tons.
(iv) Deduct 20% of the amount over 500 tons but not over 1000 tons.
(v) Deduct 24% of the amount over 1000 tons.

(7) *Consumption quota.* The balance remaining after subtraction of the above reductions from the total adjusted base tonnage determined under instruction number 5 is the publisher's consumption quota for the quarter.

(l) *Carry-over.* If a publisher uses less print paper than he is permitted to use in the fourth quarter of 1943, or in any calendar quarter after that, he may add this tonnage to his consumption quota in any succeeding quarter.

(m) *Exceptions for small newspapers.* The restrictions on the consumption of print paper established by this order do not apply to:

(1) *Special types of newspapers.* Any newspaper containing eight pages or less which is authorized to be admitted to the mails as second class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39 U.S.C. sec. 229) pertaining to the publications of benevolent, fraternal, trades-union, professional, literary, historical, and scientific organizations and societies.

(2) *Newspapers using less than 25 tons per quarter.* Any newspaper which shall consume less than 25 tons of print paper in a calendar quarter, regardless of the tonnage of paper consumed previously. The publisher of any such newspaper is authorized, in addition, to increase his permitted usage by the tonnage of print paper consumed in printing copies of his newspaper furnished to the Armed Services of the United States, whether such copies are sold or are distributed free of charge.

Delivery Quota

(n) *Computation of delivery quota.* In January, 1944, and in each calendar month after that, no publisher may order or accept delivery of print paper in excess of his monthly delivery quota, which shall be computed in accordance with the following instructions:

(1) *Monthly base.* Total the publisher's consumption quotas for the third and fourth quarters of 1944. Add the ex-quota tonnage, if any, which may have been granted on appeal for use in the third and fourth quarters of 1944. Subtract the publisher's consumption in July 1944. Divide by 5.

(2) *Inventory ceiling.* The above amount shall be reduced accordingly if a publisher's inventory is, or by virtue of such order or acceptance will become, at the end of the current calendar quarter, greater than: (i) 40 days' supply for publishers in the states named in List A, (ii) 65 days' supply for publishers in the states named in List B, or (iii) 60 tons for publishers who would be limited to a smaller amount by subdivision (i) or (ii) above.

List A

Connecticut.	Nebraska.
District of Columbia.	New Hampshire.
Delaware.	New Jersey.
Illinois.	New York.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	Pennsylvania.
Kentucky.	Rhode Island.
Maine.	South Dakota.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	

List B

Alabama.	New Mexico.
Arizona.	Nevada.
Arkansas.	North Carolina.
California.	Oklahoma.
Colorado.	Oregon.
Florida.	South Carolina.
Georgia.	Tennessee.
Idaho.	Texas.
Louisiana.	Utah.
Montana.	Washington.
Mississippi.	Wyoming.

In computing the maximum tonnage which a publisher may have in his inventory, he shall exclude any less-than-quota savings under his consumption quota carried over from previous quarters.

(3) *Computation of rate of consumption.* The number of days' supply shall be computed at the average daily rate of allowable consumption for the first six months of 1944.

(4) *Fractional carloads.* If a publisher's delivery quota for any month is less than one carload it may be increased to one full carload. If it is a whole number of carloads plus a fraction of another carload, the fraction may be added to his delivery quota for any succeeding month.

(5) *Transit damage.* If print paper in inventory is destroyed or damaged to such an extent that it becomes unusable in publishing his newspaper, whether this occurs while the paper is in transit or after it has reached its destination, the publisher may increase his delivery quota (but not his consumption quota) in the same or any subsequent month by an amount sufficient to replace such paper. It is immaterial whether or not the publisher is reimbursed for the destroyed or damaged paper by the shipper, the carrier, or an insurance company. It is also immaterial whether or not the publisher salvages all or part of the damaged paper for use other than in publishing his newspaper.

(6) *Report on transit damage.* Any publisher who increases his delivery quota to replace destroyed or damaged print paper in accordance with subparagraph 5 above shall, within 15 days after placing the order for such replacement, file a letter with the War Production Board stating the number of tons comprising the publisher's delivery quota for that month, the number of tons destroyed or damaged, the manner in which such print paper was rendered unfit for use in publishing his newspaper, and the number of tons ordered in excess of his delivery quota. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(o) *Exceptions.* (1) The provisions of paragraphs (n) (1), (n) (2), and (n) (3) do not apply to a publisher who receives print paper by Great Lakes or coastal water-borne shipments. Such a publisher may not order or accept delivery of a total amount of print paper by water, rail or otherwise in any calendar year (including both the open and the closed navigation season) in excess of his allowable consumption for that calendar year, and his inventory may not exceed 40 days' supply on May 1 of each calendar year.

(2) Permission to order or accept delivery of print paper in excess of the tonnage allowed under paragraph (n) may be granted by the War Production Board upon a written request for specific authorization stating the number of tons and the number of days' supply of print paper which the publisher has in inventory, the number of tons comprising his delivery quota, the number of additional tons he desires to order and accept, and the reasons why the denial of the request would create undue hardship.

(p) *Certification.* On and after December 24, 1943, each order by a publisher for delivery of print paper shall contain substantially the following certification, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

> The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, and to receive the item(s) ordered for the purpose for which ordered.

No person may deliver print paper to a publisher except upon a delivery order which bears the above certification.

(q) *Copies of orders.* On and after March 1, 1944, the publisher of every newspaper which consumes 25 tons of print paper or more in any calendar quarter shall file with the War Production Board copies of all orders for the delivery of print paper placed by him or for his account. Such copies must be mailed within three days after the orders are placed. On or before March 15, 1944, every such publisher shall mail to the War Production Board copies of all orders for the delivery of print paper placed by him or for his account since January 1, 1944. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(r) *Intra-company transfers.* The foregoing restrictions apply not only to deliveries from one person to another, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

Miscellaneous Provisions

(s) *Loans of print paper.* Any loan of print paper made by a publisher shall

be reported to the War Production Board by letter within 15 days after the date of the loan. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(t) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(u) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in duplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(v) *Communications to the War Production Board.* All reports required to be filed hereunder, requests for specific authorization, appeals and other communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-240.

(w) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 10th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Revoked Dec. 24, 1943.
INTERPRETATION 2: Revoked Dec. 24, 1943.
INTERPRETATION 3: Revoked Dec. 24, 1943.

[F. R. Doc. 44-11954; Filed, August 10, 1944; 11:18 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-328, as Amended Aug. 10, 1944]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M-328*—(a) *Restrictions on preference ratings for textiles, clothing, leather, etc.* (This paragraph states conditions which must be met to make ratings for items on Schedule A valid. However, even though a rating is not valid for the items, this does not prevent anyone from filling a purchase order if he can do so without disregarding valid ratings on other purchase orders or disregarding other orders or directions of the War Production Board.)

No person shall apply, extend or give any effect to any preference rating heretofore or hereafter assigned, applied, or extended to the delivery of any item on Schedule A unless:

(1) The rating has been assigned by a preference rating form or letter issued by or under the authority of the War Production Board to a named applicant and the form or letter specifically describes the item and specifies the quantity, description and type which may be obtained by the rating. No rating assigned by any L, M, P or other order or by any regulation (such as CMP-5 or CMP-5A) shall be valid for any item on Schedule A, except as permitted by paragraphs (a) (2), (a) (3) or (a) (4). For example, the rating for any fabric to comply with this subparagraph must be assigned on a War Production Board form or letter naming the person to whom the rating is assigned and stating the yardage, type and construction of the fabric for which the rating is assigned. Ratings assigned on Forms CMPL-150, CMPL-200 or CMPL-201 are not valid for any Schedule A item unless the item is for military delivery as described in paragraph (a) (2), below.

(2) The rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain the item for direct or ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including military exchanges and service departments when the order bears the appropriate endorsement referred to in paragraph (c) of Priorities Regulation 17), the Maritime Commission or War Shipping Administration. A delivery to an establishment or ship operated under contract with one of those agencies is not in itself a direct or ultimate delivery to the Army, Navy, Maritime Commission or War Shipping Administration.

(3) The rating has been assigned by or pursuant to any supplement to this order or the particular order specified after the item on Schedule A.

(4) The material to be delivered is actually required as, or is required for incorporation in, a functioning part of industrial machinery and is one of the following numbered items on Schedule A: 1, 3 (except Seine cord, hawser cord and other cabled cord), 4, 12.

SCHEDULE A—MATERIALS AND PRODUCTS COVERED BY CONSERVATION ORDER M-328

NOTE: Schedule A amended Aug. 10, 1944.

1. Animal bristles and hair.

2. Clothing, footwear (including safety shoes, hats, gloves, and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics. However, this order does not apply to rubber footwear, professional rubber gloves, or to the following items when such items are specifically designed and used to furnish protection against occupational hazards (other than weather).

Asbestos clothing.

Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.

Metal mesh gloves, aprons and sleeves.

Other safety leather gloves or mittens, but only if steel-stitched or steel-reinforced.

Plastic and fiber safety helmets.

Safety belts and harnesses.

Safety clothing impregnated or coated for the purposes of making the same resistant against fire, acids or other chemicals or abrasives.

Safety industrial leather clothing other than gloves or mittens.

Safety industrial rubber gloves and hoods, and linemen's rubber gloves and sleeves.

3. Cotton, wool and synthetic yarns and blends of the foregoing L-282, M-317.

4. Woven, felted, knitted and braided fabrics of cotton, wool or synthetic yarns and blends of the foregoing, including but not limited to:

Bedsheets.
Pillow cases.
Blankets.
Towels.
Diapers.
Face cloths.
Table 'linens' M-166, M-298, M-317, M-385, P-116.

5. Dyestuffs (defined in Conservation Order M-103).

6. The following metal shoe findings:

Arch supports.
Box toes and caps.
Heel rims and plates.
Heel washers.
Shoe shanks.
Toe rims and plates.
Steel wire shoe nails.

7. Hides, skins, furs and leather and products made primarily therefrom (subject to additional restrictions of M-310).

8. Manilla, agave, istle, hemp (cannabis sativa), Sunn hemp, raffia, flax, jute, coir yarn and other fibers, when used for cordage (rope and twine), and cordage products made primarily therefrom. P-56, P-98-b, M-84.

9. Mops.

10. Slide fasteners.

11. Sponges, marine and loofa.

12. Textile fibers (animal, vegetable, or synthetic, including curled istle) and products made primarily from textile fibers or textiles. This order does not apply to fabrics after they have been coated, or impregnated, fire hose, fire hose jackets, sisal processors' mill waste or sisal bagasse. M-85, M-317.

13. Steel tacks (except thumb tacks).

14. Synthetic rubber thread and products made therefrom.

(b) *How ratings must be applied and extended.* (1) Priorities Regulation 3 states rules and restrictions on the use of all preference ratings. When a rating is used, the standard certification described in Priorities Regulation 7 or the certification described in Priorities Regulation 3 must be put on a purchase order for a Schedule A item. In addition, the purchaser must use one of the following applicable certifications (with the blanks properly filled in):

(i) If the rating is assigned by an order listed on Schedule A, the special certification, if any, required by that order shall be added.

(ii) If the rating is assigned by an order listed on Schedule A, but the listed order does not require a special certification, the following shall be added:

This rating is assigned by Order _____.
[Insert number of order listed opposite the item on Schedule A.]

(iii) If the rating is assigned through the Foreign Economic Administration, the following shall be added:

This rating is assigned in connection with Export License No. _____ or Release Certificate No. _____.
[Insert license or release certificate number.]

(iv) In all other cases the following shall be added:

This rating can be used under M-328.

(2) No rating permitted by paragraph (a) (1), (a) (3) or (a) (4) above, which is applied to get a Schedule A item, shall be extended for any other Schedule A item. However, in the case of ratings permitted by paragraph (a) (1), the rating may be extended if the form or letter specifically permits the extension of the rating for and fully describes the other Schedule A item. (For example, a rating which is applied to get fabric may not be extended to get yarn, except that in a case where the rating is permitted by paragraph (a) (1), the rating may be extended if the form or letter states that it may and also states the specific quantity, count, etc. The rating may also be extended for yarn if the fabric is for an Army, Navy, Maritime Commission or War Shipping Administration order, as permitted by paragraph (a) (2). This paragraph shall not prevent the extension of a rating for finished fabrics to get fabrics in the gray state.

(c) *Specific directives.* The war Production Board may issue specific directions to individual producers or processors of items listed in Schedule A, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no producer or processor shall produce, fabricate, process, deliver or accept delivery contrary to directions.

(d) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that items listed in Schedule A not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filing of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of the items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(e) *Rejects, over-runs and seconds—*(1) *Definitions.* "Reject" means a Schedule A item which was obtained or produced with priorities assistance and which cannot be used for the purpose for which the priorities assistance was given, or which was made to fill a rated order and (i) is so defective that it will be refused if tendered, (ii) the purchaser has refused, or (iii) the purchaser has notified the seller will be refused because of defects, failure to deliver on time, or termination of the procurement of the United States Government or any of its agencies for which the product was ordered. The term includes seconds, over-runs, and by-products, but does not include waste, scrap or cuttings normally generated in a manufacturing process.

A "Second" is a Schedule A item which was obtained or produced with priorities assistance and which cannot be used for the purpose for which the priorities assistance was given, or which was made to fill a rated order, but not actually offered or tendered to the purchaser because not first quality goods.

An "Over-run" is a Schedule A item which was obtained or produced with priorities assistance and which cannot be used for the purpose for which the priorities assistance was given, or which was made to fill a rated order but not delivered because it is in excess of the quantity actually needed for the order which it was made to fill.

A "By-product" is anything produced in whole or in part from another reject.

"Priorities assistance" means a preference rating, allocation, specific direction, CMP allotment, or any other action of the War Production Board used to obtain a material or product.

(2) *No one may purposely make a reject.* No manufacturer, processor or converter shall manufacture, process or order any product on Schedule A which he knows or should know will be a reject. This paragraph does not prohibit the production of seconds, over-runs or by-products to the extent that they are unavoidable in the manufacturer's operations.

(3) *Restrictions on the disposition of rejects.* No manufacturer, processor or converter shall sell or deliver a reject listed on Schedules B or C, and no one may accept delivery of such reject except as permitted by this subparagraph (e) (3) or by the schedule on which it is listed.

NOTE: Undesignated paragraph under subparagraph (3) deleted Aug. 10, 1944.

Any item listed on Schedule A, but not listed on Schedules B or C, or covered as to disposition of rejects by M-310 or by any direction issued pursuant to this order, may be disposed of for use in the United States or to fill a rated order without regard to the limitations of § 944.11 of Priorities Regulation 1.

(4) *How to get needed permission to dispose of a reject.* Any manufacturer who under the terms of this order needs specific permission to dispose of a reject may apply by letter to the War Production Board stating (where applicable) the number of the contract, the amount of material to be produced under it, the kinds of such material, a detailed statement of quantities and kinds of rejects, a copy of the rejection, and a statement of the efforts he has made to dispose of the rejects to the buyer. If the War Production Board decides he ought to be allowed to dispose of the reject, it will give him specific instructions.

(5) *Effect of specific instructions on disposition.* The War Production Board may issue specific instructions in writing to anyone respecting the use and disposition of rejects. These instructions may relate to rejects not yet manufactured on the date of their issuance. They must be obeyed even if they conflict with other provisions of this order.

(6) *Reports.* Manufacturers of textile, clothing and leather products shall report their rejects at such times and in such manner as the War Production Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(7) *Records.* All persons affected by this order shall keep for at least two (2) years records showing the quantities and kinds of rejects produced by them and the disposition thereof.

SCHEDULE B—REJECTS WHICH MAY BE DELIVERED ONLY ON SPECIFIC AUTHORIZATION OF THE WAR PRODUCTION BOARD

NOTE: Schedule B amended Aug. 10, 1944.

Equipage: Military luggage and sleeping bags.
Plain print cloth, 80 sley and higher, finished and unfinished, if not seconds or shorts.
Slide fasteners, made of copper bearing material.
Silk and nylon yarn, silk and nylon woven, knitted and braided fabrics.
Material obtained under Conservation Order M-385 or M-328B.

SCHEDULE C—REJECTS, IF NOT SECONDS OR SHORTS, WHICH MAY BE DELIVERED ONLY FOR USE IN THE UNITED STATES AND ONLY FOR THE SPECIFIED END USES STATED BELOW, OR TO FILL A RATED ORDER

8.5 oz. herringbone twill for footwear and foundation garments.
8.2 oz. twill, Types I, II, III, IV and V, for footwear, foundation garments and clothing.
30" 2.50 drill and pro-rata widths, for mattress or pillow tickings, pocketings, footwear and clothing.
6 oz. combed twill for clothing.

7.5 oz combed navy twill for footwear and foundation garments.

5 oz. wind resistant poplin for foundation garments and clothing.

9 oz. sateen for foundation garments, footwear and clothing.

(f) *Exceptions from restrictions on "cutbacks" or terminations.* The War Production Board in any case where it finds that, by reason of cut-backs or terminations of Government contracts or subcontracts, compliance with any restriction on the manufacture, use, sale or delivery of any item on Schedule A would cause a loss of production or interfere with the filling of civilian orders, may grant temporary exceptions from such restriction.

NOTE: Paragraph (g), formerly (f), redesignated Aug. 10, 1944.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref: M-326.

(4) *Appeals.* Any appeal from the provisions of paragraphs (c), (d) or (e) of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal. An appeal for suspension of a direction under paragraph (c) may be made on the ground that compliance with the direction will result in production at a loss, provided that an application for price relief on that ground is first filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy is filed with the WPB appeal. If the WPB appeal is granted, requirements of a direction for increases above current production will be suspended until the decision by the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

Issued this 10th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

RATIONS FOR TWINE AND WRAPPING MATERIALS

Ratings for twine and other materials on Schedule A of M-328 used for wrapping must conform to the conditions specified in paragraph (a) of the order to be valid.

Such materials used to wrap products are not incorporated into the product which is wrapped. Therefore, a rating which can be used to get material to be incorporated into a product cannot be used to get twine with which to wrap the product even though the product is going to be delivered to one of the Government agencies mentioned in paragraph (a) (2). [Issued March 23, 1944].

[F. R. Doc. 44-11953; Filed, August 10, 1944; 11:18 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,[1] Amdt. 16]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation 262 is amended in the following respects:

1. Subparagraphs (9) and (11) of paragraph (a) are hereby deleted from § 1351.965.

2. The phrase "Christmas cookies . . . November-December, 1944" is hereby deleted from § 1351.968.

3. The phrases "raisin filled or topped biscuits and crackers" and "pretzels" are hereby deleted from § 1351.969.

This amendment shall become effective this 15th day of August 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11967; Filed, August 10, 1944; 11:39 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271,[2] Amdt. 20]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

In Table V of section 14 the prices for August in the column "1944" are amended in the following respects:

State	Producing area	1944 August
Nebraska	* * *	[1] 3.20
Kansas	* * *	[1] 3.05
Missouri	Counties of Lincoln, Warren.	[1] 3.30
	Rest of State	[1] 3.05
Georgia	* * *	[1] 3.60
North Carolina	* * *	[1] 3.60
South Carolina	* * *	[1] 3.60
Texas	* * *	[1] 3.30

[1] This price is effective from August 10 to August 31, 944, inclusive.

This amendment shall become effective at 12.01 a. m., August 10, 1944.

Issued this 9th day of August 1944.

CHESTER BOWLES,
Administrator.

Approved: August 8, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-11917; Filed, August 9, 1944; 4:33 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 495]

MISCELLANEOUS BAKERY PRODUCTS

Maximum Price Regulation No. 495[1] is redesignated Revised Maximum Price Regulation No. 495 and is revised and amended to read as follows:

In the judgment of the Price Administrator the prices herein established will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation have previously been promulgated and their use lawfully required by another Government agency.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

REVISED MAXIMUM PRICE REGULATION 495—MISCELLANEOUS BAKERY PRODUCTS

Sec.

AUTHORITY: Sections 1 to 10, inclusive (§ 1351.370) issued under 56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Sales at other than maximum prices.* (a) Regardless of any

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9244, 10844; 8 F.R. 973.

[2] 8 F.R. 15587, 15663; 9 F.R. 2298, 3589, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356.

[1] 8 F.R. 15936, 16289, 17296.

contract or obligation no person shall sell or deliver and no person shall in the course of trade or business buy or receive any of the commodities covered by this regulation at prices above the maximum prices herein established, nor shall any person agree, solicit, offer, or attempt to do any of the foregoing.

(b) Prices lower than the maximum prices established by this regulation may be charged or paid.

SEC. 2. *Applicability.* Except as otherwise provided in paragraphs (a), (b) and (c) of this section, this regulation shall apply to all sales of the commodities covered hereby within the forty-eight states and the District of Columbia.

(a) The maximum prices for export sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration.

(b) On sales and deliveries of any commodity subject to this regulation to a procurement agency of the United States involving extra packing expenses, the seller or any subcontractor under the seller's contract with the United States may add to the maximum prices specified herein the appropriate amounts for special packing as provided in Revised Supplementary Order No. 34.[3]

(c) Whenever circumstances of emergency make the purchase of any commodity subject to this regulation by the United States or any of its agencies imperative and it is impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable, such purchases and deliveries may be made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1[4] to the General Maximum Price Regulation, as amended.[5] *Provided, however,* That the Administrator may, by order, waive the reporting of any part of the information required by section 4.3 (f) in connection with a particular purchase or group of purchases upon determining that such information may not reasonably be required under all the circumstances, and he may, in lieu thereof, require the reporting of other information more suited to the circumstances.

SEC. 3. *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of any commodity covered by this regulation alone or in conjunction with any other commodity or by way of commission, service, transportation or other charge or discount, premium or other privilege or by tying agreement or other trade understanding or by any other means.

SEC. 4. *Licensing.* The provisions of Licensing Order No. 1,[6] licensing all persons to make sales under price control are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or one or more applicable price schedules or regulations. A person whose license is suspended may not during the period of suspension make any sale for which his license has been suspended.

SEC. 5. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

SEC. 6. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[7] issued by the Office of Price Administration.

SEC. 7. *Records and reports.* Every person subject to this regulation making a sale or purchase of any commodity covered by this regulation, in the course of trade or business, shall keep such records of such sales and purchases as he customarily kept on the effective date of this regulation for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, or the Stabilization Act of 1942, as amended, remain in effect.

SEC. 8. *Notification of change or establishment of maximum prices.* With the first delivery of any commodity listed in Section 10 hereof, after a seller determines a maximum price or his maximum price is changed pursuant to any provisions of this regulation or of any amendment thereto he shall:

(a) Supply each wholesaler and retailer subject to the provision of Maximum Price Regulation Nos. 421,[8] 422,[9] or 423[10] who purchased from him with written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS SUBJECT TO MAXIMUM PRICE REGULATION NOS. 421, 422 OR 423

Our OPA ceiling price for (*describe item by kind, variety, brand and container type and size*) has been established (or changed) by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation Nos. 421, 422 or 423 you must figure (or refigure) your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification on or after (*insert date when new price becomes effective*). You must figure (or refigure) your ceiling price following the rules in Section 6 of Maximum Price Regulation Nos. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after the establishment or change of the maximum price of an item and with the first shipment after the sixty-day period to each person who has not made a purchase within that time the seller shall include in each case or carton containing the item the written notice set forth above or firmly attach it to each case or carton in an envelope bearing the words "notice of maximum price contained herein."

(b) Notify each purchaser of the item from him who is a distributor, wholesaler or retailer not subject to Maximum Price Regulation Nos. 421, 422 or 423 of the establishment or change in maximum price by the following written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser after the new price becomes effective.

(Insert date)

NOTICE TO DISTRIBUTORS, WHOLESALERS OR RETAILERS NOT SUBJECT TO MAXIMUM PRICE REGULATION NOS. 421, 422 or 423

Our OPA ceiling price for (*describe item by kind, variety, brand and container type and size*) has been established at $_____ (or changed from $_____ to $_____) under the provisions of Revised Maximum Price Regulation No. 495. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (*insert date when new price becomes effective*) of any new maximum price established for you (or of any allowable change in your maximum price). This notice must be made in the manner prescribed in section 8 of Revised Maximum Price Regulation No. 495.

Upon receipt of such notice, the wholesaler or retailer, not subject to Maximum Price Regulation Nos. 421, 422 or 423 shall recalculate his maximum price by adding to, or substracting from it the amount of any change made in his supplier's maximum price.

SEC. 9. *Definitions.* (a) When used in this revised regulation:

(1) "Person" means any individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States or any agency thereof, any other government or any of its political subdivisions and any agency of any of the foregoing.

(2) "Producer" means, with respect to any lot of the commodities covered by this regulation, the person who baked, manufactured, produced or processed the same in the operation of a business.

(3) A "wholesaler" or "retailer" respectively shall be deemed to be a person making "sales at wholesale" or "sales at retail" as defined under the General Maximum Price Regulation.

(4) "Fig bars" means biscuits containing a minimum of 20 percent by weight of fig paste, ground figs or whole figs as an ingredient in the filling placed between two crusts of dough.

(5) "Christmas cookies" means novelty cookies baked from special formulae or baked in special shapes exclusively for the holiday season which begins with Thanksgiving and ends with New Year's Day.

(6) "Raisin filled or topped biscuits and crackers" are biscuits or crackers in which at least 20 percent of their ingredient weight consists of raisins.

SEC. 10. *Maximum prices for miscellaneous bakery products.* (a) (1) If you

[2] 8 F.R. 4132, 5997, 7662, 9998.
[3] 8 F.R. 12404, 14073.
[4] 9 F.R. 3581, 3590, 4391, 4948.
[5] 9 F.R. 5169.
[6] 8 F.R. 13240.
[7] 7 F.R. 13240.
[8] 8 F.R. 9388, 10569, 10987, 13293.
[9] 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294.
[10] 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294.

are a producer, or a wholesaler (but not a wholesaler who is subject to Maximum Price Regulation No. 421) your maximum price for all sales of chocolate coated ice cream cones shall be as follows:

	Maximum price per thousand
4½ inches	$6.55
4 inches	6.10
3½ inches	4.50

(2) If you make your sale in the states of California, Idaho, Nevada, Oregon or Washington, your maximum price, as set forth in sub-paragraph (1) shall be increased by 45 cents, per thousand.

(b) (1) If you are a producer, wholesaler or retailer, your maximum price for all sales of Passover matzo products shall be the sum of all transportation costs actually incurred in connection with the particular lot of Passover matzo products and the appropriate amount, set forth below:

Commodity	Sales by producers other than at wholesale and retail	Sales at wholesale	Sales at retail
	Cents	*Cents*	*Cents*
For packages of 1 pound or more of Passover matzo products, except Passover egg and whole wheat matzo products, per pound	15¾	18	21
For each package of Passover matzo products of from 10 to 15 ounces, inclusive, except Passover egg and whole wheat matzo products	15	17¼	20
For packages of 1 pound or more of Passover whole wheat matzo products, per pound	16¾	19¼	22
For each package of Passover whole wheat matzo products of from 10 to 15 ounces, inclusive	16¼	18¾	22
For each package of Passover egg matzo products of 11 ounces or over	27	31	36
For each package of Schmura Matzos	65	74¾	86

(2) When you make any sale of Passover matzo products as a producer or wholesaler, you shall set forth, separately, on the invoice of your sale, the amount of any transportation costs included in the price you charge your buyer, and you shall deliver one copy of the invoice to your buyer and you shall retain one copy of it for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, remains in effect.

(c) Before you sell any chocolate coated ice cream cones or Passover matzo products in sizes other than those specified in paragraphs (a) and (b) of this section, you shall apply to the Office of Price Administration to have it establish your maximum price on such sale in accordance with the provisions of paragraph (d) of Order No. 375 under § 1499.3 of the General Maximum Price Regulation.[11]

(d) (1) If you are a producer, wholesaler or retailer, and you sold Christmas cookies, raisin filled or topped biscuits and crackers, pretzels, or non-Passover matzo products prior to the effective date of this regulation, your maximum prices for such sales have been determined under Maximum Price Regulation No. 262,[12] or under Revised Supplementary Regulation No. 14[13] to the General Maximum Price Regulation. This regulation continues those maximum prices without change.

(2) If you are a producer, wholesaler or retailer of cracknells (egg biscuits), fig bars, ice cream cones (except chocolate coated ice cream cones), or Trenton oyster crackers, and you sold these commodities prior to the effective date of this regulation, your maximum prices for such sales have been determined by (i) taking your appropriate maximum price, in each case, in accordance with the provisions of the General Maximum Price Regulation, and (ii) adding, thereto, the following increases in accordance with the provisions of Maximum Price Regulation No. 262:

Commodity	*Permitted increase*
Cracknells (egg biscuits)	2 cents per pound.
Fig bars:	
Packaged (2 pounds or under)	4 cents per pound.
Packaged (over 2 pounds) and bulk	3 cents per pound.
Ice cream cones (except chocolate coated ice cream cones):	
Cake cones	25 cents per thousand.
Sugar rolled cones	40 cents per thousand.
Cups	40 cents per thousand.
Trenton oyster crackers	2½ cents per pound.

(Maximum prices for Trenton oyster crackers shall in no case exceed 18½ cents per pound if sold in bulk (over 1 pound); $2.46 per dozen packages if sold in 1 pound packages or $1.23 per dozen packages if sold in one-half pound packages.)

This regulation continues such maximum prices, computed as aforesaid, without change.

(3) If you did not determine your maximum price for the sale of any of the products listed or described in paragraph (d) of this section, prior to the effective date of this regulation, then, before you make a sale of any of said commodities, you shall determine your maximum price on such sale in accordance with the provisions of Order No. 375 under § 1499.3 of the General Maximum Price Regulation.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

This regulation shall become effective on August 15, 1944.

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–11966; Filed, August 10, 1944; 11:38 a. m.]

[11] 8 F.R. 4734, 14473.

[12] 7 F.R. 9244, 10844; 8 F.R. 973.

[13] 8 F.R. 16664.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16[1], Amdt. 8 to 2d Rev. Supp. 1]

MEATS, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1407.3027 (e) (10) is added to read as follows:

(10) D5 is valid beginning August 13, 1944.

This amendment shall become effective August 13, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9250, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 9234; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319; War Food Order No. 59, 8 F.R. 3471, 9 F.R. 4319; War Food Order No. 61, 8 F.R. 3471, 9 F.R. 4319)

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–11970; Filed, August 10, 1944; 11:41 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[2] Amdt. 49]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 15 of Maximum Price Regulation 426 is amended in the following respects:

1. Appendix G is revoked.

2. Appendix K in section 15 of Maximum Price Regulation 426 is amended in the following respects:

a. In paragraph (a) the phrase "Apples (except lady apples and crab apples)" is added under the word "Grapes".

b. Paragraph (b) (3) is amended by adding an undesignated paragraph to read as follows:

"Standard container", in the case of apples, means any of the following listed containers which is closed and packed in accordance with the requirements specified for each:

Bushel basket of 2150.42 cu. in. capacity, faced and filled packed, "slightly slack" or tighter, with graded apples.

United States standard barrel of 7056 cu. in. capacity, faced and filled packed, "fairly tight" or tighter, with graded apples.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 6772, 6825, 7262, 7438, 8147, 8931, 9266, 9278.

[2] 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 4877, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7580, 7425, 7583, 7759, 7774, 7834, 8148, 9066, 9090.

Apple box WPB–L232 No. 1, with flexible top and bottom, tier-packed, "fairly tight" or tighter, with graded and individually wrapped apples.	
Apple box WLB–L232 No. 2 Apple box WPB–L232 No. 3 [1] Apple box WPB–L232 No. 58	tier-packed or faced and filled packed, "fairly tight" or tighter, with graded apples.

[1] Apple box WPB–L232 No. 3 when packed with graded McIntosh apples, need not be tier-packed or faced and filled packed, but must be packed "fairly tight" or tighter with graded apples.

"Slightly slack", in the case of baskets, means that the apples are not below the level of the top of the basket but there is still some movement of the apples within the basket upon handling.

"Fairly tight", in the case of barrels, means that the pack is tight enough to prevent apples from moving within the barrel sufficiently to cause injury, but not as ideal as a tight pack, and likely to loosen sooner than normally should be the case. There will be very little bruising or crushing at the tail.

"Fairly tight", in the case of apple box WPB–L232 No. 1, means that the apples are packed tight enough to prevent them moving within the package sufficiently to cause injury under ordinary handling conditions.

"Fairly tight", in the case of apple box WPB–L232 No. 2, No. 3 and No. 58, means that the package is sufficiently filled to prevent any appreciable movement of the apples, and that the apples are in contact with the lid or cover.

To be a standard container the container must be packed "slightly slack" or tighter, or "fairly tight" or tighter, as the case may be, at the time of shipment from the shipping point, and thereafter until a government inspection certificate is secured showing that the container is "slightly slack" or tighter, "fairly tight" or tighter, as required for the particular standard container, and the container is marked with a lot number which is also described in the government inspection certificate. However, the condition that the container be packed "slightly slack" or tighter, or "fairly tight" or tighter, at the time of shipment from the shipping point shall be deemed satisfied where the particular goods are sold and placed in storage by the buyer prior to shipment from the shipping point, if the container is packed "slightly slack" or tighter, or "fairly tight" or tighter, as the case may be, at the time of delivery to the buyer.

c. A new subparagraph (3) is added to paragraph (c) to read as follows:

(3) *As to apples.* For the purposes of this appendix, standard containers shall be classified as follows:

CLASS D	
(1) Bushel basket of 2150.42 cu. in. capacity.	closed and faced and filled packed "slightly slack" or tighter.
(2) United States standard barrel of 7056 cu. in. capacity.	closed and faced and filled packed "fairly tight" or tighter.
(3) Apple box WPB–L232 No. 1	closed and tier-packed "fairly tight" or tighter.
(4) Apple box WPB–L232 No. 2 (5) Apple box WPB–L232 No. 3 [1] (6) Produce box WPB–L232 No. 58	closed and tier-packed or faced and filled packed "fairly tight" or tighter.

[1] Apple box WPB–L232 No. 3, when packed with graded McIntosh apples, need not be tier-packed or faced and filled packed, but must be packed "fairly tight" or tighter.

d. Paragraph (d) (4) is revoked and new subparagraphs (4) and (5) added to paragraph (d) to read as follows:

(4) *As to standard containers in Class D.* (i) The grower-packer shall plainly mark each standard container in Class D sold by him to show the following:

(1) The name and address of the grower-packer.

(2) The volume of the contents.

(ii) In addition, where apples have been placed in storage, each seller, including a grower-packer, shipping point distributor or carlot distributor, who ships the particular fruit being priced from the shipping point shall, at the time of shipment, plainly mark each standard container to show the following:

(1) The name and address of the shipper.

(2) The volume of the contents.

(5) *As to non-standard containers.* If a container would be a standard container in Class A except for the fact that it is not packed "fairly tight" or tighter, or if a container would be a standard container in Class B except for the fact that it has a net weight not within the weight ranges for the particular container, or if a container would be a standard container in Class C except for the fact that it has a net weight less than that specified for the particular container, or if the container would be a standard container in Class D except for the fact that it is not packed "slightly slack" or tighter, or "fairly tight" or tighter, as specified for the particular container, or if the fruit is in any other closed container, each seller, including a grower-packer, shipping point distributor or carlot distributor, prior to and including time of shipment from the shipping point, shall plainly mark the container to show the following:

(1) The name and address of the seller.

(2) A minimum net weight. This may be lower, but in no case higher than the actual net weight (a) at the time of sale, or (b) at the time of shipment from shipping point in the case of shipment before sale.

The weight-marking requirement does not apply to open containers. Section 14a (a) does not apply to this appendix.

e. Paragraph (e) (4) is revoked, paragraph (e) (5) is redesignated (e) (6), and subparagraphs (4) and (5) are added to paragraph (e) to read as follows:

(4) *Standard containers in Class D.* For standard containers in Class D, the maximum price is named in Column 5 or 6 of the applicable table in paragraph (f). However, the maximum price for any container which would be a standard container except for the fact that it is not packed in accordance with the requirements specified for standard containers of apples (see paragraph (b) (3)) shall in no event be greater than the maximum price for the standard container.

(5) *Non-standard containers.* (i) All fruit offered for sale in closed containers which do not meet the requirements of standard containers in Class A, Class B, Class C, or Class D shall be sold on the basis of actual net weight.

(ii) All fruit offered for sale in bulk or open containers shall be sold on a basis of actual net weight.

f. In paragraph (f), Table 3 is added to read as follows:

TABLE 8—MAXIMUM PRICES FOR APPLES

Col. 1 Item No.	2 Type, variety, style of pack, etc.	3 Unit	4 Season	Maximum prices for fruit loaded on car or truck at shipping point	6 Maximum prices for sales delivered to any wholesale receiving point in any quantity [1]	7 Maximum prices for sales by certain persons in less-than-carlots or less-than-trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer [1]
	Apples graded and packed in the following standard containers:					
1	Apple box (WPB L232 No. 1)	Per box or bushel.	Beginning of season–August 19	$2.85	Col. 5 price plus freight (including 3% transportation tax) from shipping point and plus protective service allowances.[2]	Col. 6 price plus 70 cents.
2			August 20–October 31	2.75		
3			November 1–November 15	2.85		
4			November 16–November 30	2.90		
5	Apple box (WPB L232 No. 2)		December 1–January 5	2.98		
6	Apple box (WPB L232 No. 3)		January 6–February 5	3.01		
7	Apple box (WPB L232 No. 58)		February 6–March 5	3.04		
8	Bushel basket (2150.42 Cu. inches)		March 6–April 5	3.07		
9			April 6–May 5	3.12		
10			May 6–June 5	3.17		
11			June 6–end of season	3.22		
12	U. S. Standard Barrel (7056 Cu. inches)	Per barrel	Beginning of season–August 19	8.55	do [3]	Col. 6 price plus $2.10.
13			August 20–October 31	8.25		
14			November 1–November 15	8.55		
15			November 16–November 30	8.70		
16			December 1–January 5	8.94		
17			January 6–February 5	9.03		
18			February 6–March 5	9.12		
19			March 6–April 5	9.21		
20			April 6–May 5	9.36		
21			May 6–June 5	9.51		
22			June 6–end of season	9.66		
23	Any of the above containers, the contents of which do not meet the requirements of pack specified for standard containers (see paragraph (b) (3)); and apples graded and packed in any other container.	Per pound	Beginning of season–August 19	.063	do [3]	Col. 6 price plus 1 1/10 cents.
24			August 20–October 31	.061		
25			November 1–November 15	.063		
26			November 16–November 30	.064		
27			December 1–January 5	.066		
28			January 6–February 5	.067		
29			February 6–March 5	.0675		
30			March 6–April 5	.068		
31			April 6–May 5	.069		
32			May 6–June 5	.07		
33			June 6–end of season	.071		
34	Apples sold graded in bulk (loose without containers or in containers furnished by the buyer.)	Per pound	Beginning of season–August 19	.0545	do [3]	Col. 6 price plus 1 1/10 cents.
35			August 20–October 31	.0525		
36			November 1–November 15	.0545		
37			November 16–November 30	.0555		
38			December 1–January 5	.0575		
39			January 6–February 5	.0585		
40			February 6–March 5	.059		
41			March 6–April 5	.0595		
42			April 6–May 5	.0605		
43			May 6–June 5	.0615		
44			June 6–end of season	.0625		
45	Apples sold loose and ungraded (tree-run) in any container.	Per pound	Beginning of season–August 19	.049	do [3]	Col. 6 price plus 1 1/10 cents.
46			August 20–October 31	.047		
47			November 1–November 15	.049		
48			November 16–November 30	.050		
49			December 1–January 5	.052		
50			January 6–February 5	.053		
51			February 6–March 5	.0535		
52			March 6–April 5	.054		
53			April 6–end of season	.055		
54	Apples sold ungraded (tree run) in bulk (loose without containers or in containers furnished by the buyer).	Per pound	Beginning of season–August 19	.045	do [3]	Col. 6 price plus 1 1/10 cents.
55			August 20–October 31	.043		
56			November 1–November 15	.045		
57			November 16–November 30	.046		
58			December 1–January 5	.048		
59			January 6–February 5	.049		
60			February 6–March 5	.0495		
61			March 6–April 5	.05		
62			April 6–end of season	.051		

[1] The prices named in Columns 6 and 7 are maximum prices for each individual lot or shipment of apples received and sold by the particular seller. For sellers covered by Column 7 see general provisions of this appendix.

[2] Protective services allowance shall be the actual cost of protective services furnished (exclusive of precooling) not to exceed the lowest common carrier charge for the same services (including 3% transportation tax). No separate charge shall be made for precooling since an allowance for precooling is included in the f. o. b. price (see paragraph (h)).

g. In Table A in paragraph (g), item 3 is added to read as follows:

TABLE A—MAXIMUM MARKUPS FOR DISTRIBUTIVE SERVICES PERFORMED BY GROWER-PACKERS, SHIPPING POINT DISTRIBUTORS, AND THEIR AGENTS TO BE ADDED TO THE APPLICABLE MAXIMUM PRICE F. O. B. SHIPPING POINT, OR THE MAXIMUM DELIVERED PRICE, AS THE CASE MAY BE

(See column 5 or 6 of tables in paragraph (f))[1]

Col. 1	2	3	4	5	6	7	8	9	10	11	12
			Sales by grower-packers				Sales by any person (including grower-packers) through a grower's sales agent and sales by shipping point distributors				
				Through a commission merchant in less-than-carlots or less-than-trucklots						Through a commission merchant in less-than-carlots or less-than-trucklots	
Item No.	Commodity	Unit	Through a broker in any quantity or through a commission merchant in carlots or trucklots	Ex-dock, car or truck or terminal sales platform	Ex-store or warehouse	Through an auction in less-than-carlots or less-than-trucklots	Direct sales (without the use of broker or any other agent)	Through a broker or salaried representative in any quantity, or through a commission merchant in carlots or trucklots	Through an auction in less-than-carlots or less-than-trucklots	Ex-dock, car, truck or terminal sales platform	Ex-store or warehouse
3	Apples	Standard Boxes, bushels (Items 1-11)	$0.05	$0.14	$0.30	$0.13	$0.10	$0.15	$0.23	$0.24	$0.40.
		Standard Barrels (Items 12-22)	$0.15	$0.42	$0.90	$0.39	$0.30	$0.45	$0.69	$0.72	$1.20.
		Above containers, the contents of which do not meet requirements of pack specified for standard containers (see paragraph (b) (3)); apples packed in all other containers; and those sold loose and ungraded in any container, or in bulk—per pound.	1/10 cent	3/10 cent	3/5 cent	3/10 cent	3/10 cent	3/10 cent	1/2 cent	1/2 cent	7/8 cent.

[1] The agents' actual charge (not to exceed the maximum charges under MPR 426) shall be used instead of the markups listed if the total of such actual charges is lower than the markup shown.

h. In Table B in paragraph (g), item 3 is added to read as follows:

TABLE B—MAXIMUM MARKUPS FOR DISTRIBUTIVE SERVICES PERFORMED BY CERTAIN SELLERS OTHER THAN GROWER-PACKERS, SHIPPING POINT DISTRIBUTORS AND THEIR AGENTS TO BE ADDED TO THE APPLICABLE MAXIMUM DELIVERED PRICES

(See column 6 of tables in Paragraph (f))[1]

Col. 1	2	3	4	5	6	7	8	9
				Sales by primary receivers in less-than-carlots or less-than-trucklots			Sales by service wholesalers delivered to premises of any retail store, government procurement agency or institutional buyer within the free delivery zone	
Item No.	Commodity	Unit	Sales by carlot distributors[2]	Through an auction or ex-car, dock, truck or terminal sales platform	Ex-store or ex-warehouse	Sales by secondary jobbers in any quantity delivered to premises of the purchaser	Original container and quantities in excess of 1/2 of original container	Half original container or less
3	Apples	Standard boxes, bushels (Items 1-11)	$0.23	$0.29	$0.45	$0.70	$0.70	
		U. S. Standard barrel (Items 12-22)	$0.69	$0.87	$1.35	$2.10	$2.10	
		Above containers, the contents of which do not meet requirements of pack specified for standard containers (see paragraph (b) (3)); apples packed in all other containers; and those sold loose and ungraded in any container, or in bulk—per pound.	1/2 cent	6/10 cent	1 cent	1 5/10 cents	1 5/10 cents	15/10 cents.

[1] A carlot distributor who resells on an f. o. b. basis may add the markup named in Column 4 to the maximum f. o. b. price. (See column 5 of the applicable table in paragraph (f)).

[2] The column 4 markup may be used only by a person who has purchased the apples being priced from any person other than a grower or grower-packer selling direct or through a broker, and sells in unbroken carlots or unbroken trucklots. A person who has purchased the apples being priced from a grower or grower-packer selling direct or through a broker, and sells in unbroken carlots or unbroken trucklots shall use the markups named in the applicable columns in table A for sales by a "shipping point distributor."

This amendment shall become effective on August 16, 1944, except for apples shipped from the shipping point and actually sold before August 16, 1944, and except for apples shipped from the shipping point (whether sold or unsold) before August 9, 1944.

Issued this 9th day of August 1944.

CHESTER BOWLES,
Administrator.

Approved: August 9, 1944.

MARVIN JONES,
War Food Administrator.

Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, I hereby approve the prices established by the foregoing amendment and find that they are necessary as an aid to the effective prosecution of the war.

FRED M. VINSON,
Director,
Office of Economic Stabilization.

[F. R. Doc. 44-11916; Filed, August 9, 1944; 4:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14[1] to GMPR,[2] Amdt. 158]

MATZOS PRODUCTS

A statement of the considerations involved in the issuance of this amendment, has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respect:

1. Section 1.21 of Revised Supplementary Regulation No. 14 (matzos products) is deleted therefrom.

This amendment shall become effective on the 15th day of August 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11968; Filed, August 10, 1944; 11:39 a. m.]

[1] 8 F.R. 9787.

[2] 9 F.R. 1385.

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[SR 14B[1] to GMPR,[2] Amdt. 4]

BREAD AND BAKERY PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued, simultaneously herewith, and filed with the Division of the Federal Register.*

Supplementary Regulation No. 14B is amended in the following respects:

1. The first paragraph of the preamble is amended to read, as follows:

The purpose of Supplementary Regulation 14B to the General Maximum Price Regulation is to provide a more logical and convenient arrangement for certain provisions which modify the General Maximum Price Regulation so far as it applies to bread and other bakery products. Supplementary Regulation 14B does not apply to the bakery products that are subject to Revised Maximum Price Regulations Nos. 319 and 495.

2. Section 1 is amended to read as follows:

SECTION 1. *Maximum prices.* All sales of bread and bakery products shall be and remain subject to the General Maximum Price Regulation save as otherwise provided herein and save as to such products as are subject to Revised Maximum Price Regulations Nos. 319 and 495, and save as to sales subject to Maximum Price Regulations Nos. 421, 422 and 423.

This amendment shall become effective August 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11969; Filed, August 10, 1944; 11:39 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Rev. Supp. Service Reg. 30]

COMMISSION SELLING OF COAL

Supplementary Service Regulation No. 30 is redesignated Revised Supplementary Service Regulation No. 30 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this Revised Supplementary Service Regulation No. 30, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250 and 9328 Revised Supplementary Service Regulation No. 30 is hereby issued.

§ 1499.2263 *Modification of maximum prices established by Revised Maximum Price Regulation No. 165 for commission selling of bituminous coal or Pennsylvania anthracite.* (a) If you engage in commission selling of bituminous coal or Pennsylvania anthracite, you are subject to this Revised Supplementary Service Regulation No. 30.

If, prior to November 29, 1943 and during any part of that year, you had in effect a contract with a mine specifying a commission in terms of percentage rate or rates of selling price by size, use or method of shipment, your maximum commission shall be such percentage rate or rates applied to the applicable October 1943 maximum price for sales of the corresponding sizes, uses and methods of shipment currently made from the same mine. If the commission was specified in terms of cents per ton for sales by sizes, uses or method of shipment, your maximum commission shall be such cents per ton for sales of the same sizes, uses or method of shipment currently made from the same mine.

If during October 1943 you sold none of the coals of a mine or if no coals of a size, or for a use, or by a method of shipment were covered by a contract you had in effect in October 1943 with a mine, your maximum commission shall be your maximum commission under Revised Maximum Price Regulation No. 165 applied to the same mine's applicable maximum price in effect in October 1943 by size, use or method of shipment, as the case may be, of the coals sold by you. Where the mine's maximum prices were first set after October 1943, your maximum commission shall be your maximum commission under Revised Maximum Price Regulation No. 165 applied to the schedule applicable maximum price in October 1943 for the price designation assigned the coals of such mine by the Office of Price Administration (as by price classification, price group, production group, or subdistrict number), or for the price designation applicable to the coals under § 1340.210 (a) (6) of Maximum Price Regulation No. 120.

If, prior to November 29, 1943 and during any part of that year, you had in effect a contract providing varying cents per ton commissions for the sale of various tonnages of a mine's production, and if the contract made no other provision for commissions, as by percentage rate of selling price, you may observe the terms of such contract in full as to the same mine only without regard to this Revised Supplementary Service Regulation No. 30.

(b) The Administrator may by order adjust your maximum price established under the first pricing rule of this Revised Supplementary Service Regulation No. 30 if you file an application in accordance with Revised Procedural Regulation No. 1 showing:

(1) That you entered into such contract with a producer initially in 1943;

(2) That both you and the producer substantially agreed in the same contract that the commission specified was to be temporary pending experience to be gained during a trial period by you as to selling costs or by the producer as to costs of production, or both, or otherwise; and

(3) That the commission charged in October 1943 was less than your maximum under Maximum Price Regulation No. 165.

An adjustment granted under this paragraph will not exceed your maximum commission under Revised Maximum Price Regulation No. 165.

(c) As used in this Revised Supplementary Service Regulation, the terms:

(1) "Bituminous coal" means coal sold subject to Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant.

(2) "Pennsylvania anthracite" means coal sold subject to Maximum Price Regulation No. 112—Pennsylvania Anthracite.

This Revised Supplementary Service Regulation No. 30 (§ 1499.2263) to Revised Maximum Price Regulation No. 165 shall become effective August 15, 1944.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11971; Filed, August 10, 1944; 11:38 a. m.]

Chapter XIII—Petroleum Administration for War

[PAO 11, as Amended July 1, 1944, Supp. Order 1]

PART 1515—PETROLEUM PRODUCTION OPERATIONS

USE OF MATERIAL IN NATURAL GAS PRODUCTION OPERATIONS

§ 1515.7 *Supplementary Order No. 1 as amended to Petroleum Administrative Order No. 11*—(a) *Scope of this order.* Except as otherwise modified by the provisions of any other order issued as a supplement to Petroleum Administrative Order No. 11, as amended July 1, 1944, or by the provisions of any exception issued pursuant to paragraph (m) of Petroleum Administrative Order No. 11, as amended July 1, 1944, the provisions of this amended supplementary order shall, to the extent provided herein, be applicable to the use of material in natural gas production operations in Areas One and Two, but not elsewhere.

(b) *Definitions.* The definitions of Petroleum Administrative Order No. 11, as amended July 1, 1944, shall apply in this supplementary order. In addition:

(1) "Area One" means the area and formations specified in paragraph (a) of Exhibit A hereof.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16794; 9 F.R. 584, 4896, 6107.

[2] 9 F.R. 1385.

(2) "Area Two" means the area and formations specified in paragraph (b) of Exhibit A hereof.

(c) *Authorized uses of material in natural gas production operations in area one.* (1) Material may be used to drill, complete, equip, connect, and provide additions to any gas well in any gas field in conformity with a uniform well-spacing pattern, as defined by paragraph (d) of this supplementary order, of not more than one single drilling or producible gas well to each 160 surface acres.

(2) Material may be used to plug-back, deepen, recondition, recomplete, rework, or treat a gas well only within that pool from which such well is producing or last produced, for the purpose of maintaining or increasing the productivity of such well.

(3) Material may be used to plug-back or deepen from one pool to another, recondition, rework, treat, equip, connect, or provide additions to any gas well spudded in Area One on or before December 23, 1941, where such well has attributed to it a drilling unit of at least 160 surface acres, no part of which is attributable to any other gas well.

(d) *Determination of uniform well-spacing pattern in Area One.* Each gas well located in Area One on a drilling unit consisting of not less than 160 surface acres shall be drilled pursuant to paragraph (c) (1) of this order in accordance with a uniform well-spacing pattern, only where:

(1) The drilling unit upon which such well is drilled consists entirely of acreage which is not attributable to any other gas well located on the same lease or property; and

(2) No other drilling or producible gas well is drilled or located on such drilling unit; and

(3) All separate property interests in the drilling unit upon which such well is drilled and first consolidated with each other; and

(4) No portion of the drilling unit attributed to such well falls within 660 feet of any other drilling or producible well located within the same lease or property; and

(5) Such well is drilled at least 1,980 feet from every other drilling or producible gas well spudded subsequent to December 23, 1941, at least 990 feet from every other drilling or producible gas well spudded on or before December 23, 1941, and at least 990 feet from every drilling or producible oil well; and

(6) Such well is drilled at least 660 feet from every lease line, property line, or subdivision line which separates any unconsolidated property interests; and

(7) Such well is drilled with due diligence to maintain a vertical well-bore.

(e) *Authorized uses of material in natural gas production operations in Area Two.* (1) Material may be used to drill, complete, equip, connect, or provide additions to any gas well in any gas field in conformity with a uniform well-spacing pattern, as defined by paragraph (f) of this order, of not more than one single drilling or producible gas well to each 40 surface acres.

(2) Material may be used to plug-back, deepen, recondition, recomplete, rework, or treat a gas well only within that pool from which such well is producing or last produced, for the purpose of maintaining or increasing the productivity of such well.

(3) Material may be used to plug-back or deepen from one pool to another, recondition, recomplete, rework, treat, equip, connect, or provide additions to any gas well spudded in Area Two on or before December 23, 1941, where such well has attributed to it a drilling unit of at least 40 surface acres, no part of which is attributable to any other gas well.

(f) *Determination of uniform well-spacing pattern in Area Two.* Each gas well located in Area Two on a drilling unit consisting of not less than 40 surface acres shall be drilled pursuant to paragraph (e) (1) of this order in accordance with a uniform well-spacing pattern, only where:

(1) The drilling unit upon which such well is drilled consists entirely of acreage which is not attributable to any other gas well located on the same lease or property; and

(2) No other drilling or producible gas well is drilled or located on such drilling unit; and

(3) All separate property interests in the drilling unit upon which such well is drilled are first consolidated with each other; and

(4) No portion of the drilling unit attributed to such well falls within 330 feet of any other drilling or producible well located within the same lease or property; and

(5) Such well is drilled at least 990 feet from every other drilling or producible gas well spudded subsequent to December 23, 1941, at least 660 feet from every other drilling or producible gas well spudded on or before December 23, 1941, and at least 660 feet from every drilling or producible oil well; and

(6) Such well is drilled at least 330 feet from every lease line, property line, or subdivision line which separates any unconsolidated property interests; and

(7) Such well is drilled with due diligence to maintain a vertical well-bore.

(g) *Computation of attributable acreage.* (1) The acreage attributable to any well spudded on or before December 23, 1941, shall be determined by assigning to such well an acreage equivalent to that in the existing well density or drilling pattern contiguous to such well.

(2) The acreage attributable to any well spudded after December 23, 1941, shall be the same as the drilling unit assigned to the well pursuant to Conservation Order M-68, Petroleum Administrative Order No. 11, or any supplement or exception thereto, or any amendment thereof.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken is deemed appropriate.

(i) *Effective date.* This supplementary order shall take effect on the date of issuance.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of August 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

EXHIBIT A

(a) Area One includes:

(i) Only the Onandaga Limestone, Oriskany Sandstone and Devonian Shale horizons in the States of Kentucky, New York, Ohio, Pennsylvania, and West Virginia.

(ii) Any horizon in the State of Michigan not to exceed a total depth of 1,500 feet.

(b) Area Two includes:

(i) Any horizons other than the Onandaga Limestone, Oriskany Sandstone and Devonian Shale horizons in the States of Kentucky, New York, Ohio, Pennsylvania, and West Virginia; and

(ii) Any horizon in the State of Missouri, that portion of the State of Kansas which lies east of Range Two (2) east of the Sixth Principal Meridian, and that portion of the State of Oklahoma included in the counties of Adair, Cherokee, Craig, Creek, Delaware, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Pawnee, Rogers, Sequoyah, Tulsa, Wagoner, and Washington.

[F. R. Doc. 44-11936; Filed, August 10, 1944; 10:32 a. m.]

[PAO 12 as Amended April 8, 1944, Amdt. 1]

PART 1528—MATERIAL CONSERVATION; MARKETING

PERMITTED USES OF MATERIAL

Section 1528.1 (Petroleum Administrative Order No. 12, as amended April 8, 1944 (9 F.R. 3858)) is hereby amended by changing paragraphs (d) (3) and (d) (4) to read as follows:

(d) *Permitted uses of material.* * * *

(3) To any case where equipment is to be installed by any person as a replacement of equipment which is owned by such person and the repair of which cannot be effected on the premises: *Provided,* That

(i) In the case of storage tanks having a capacity of more than 65 gallons, the capacity of the tank which is to be installed does not exceed the capacity of the tank which is to be replaced;

(ii) In the case of dispensing pumps, the pump which is to be installed is of a similar type and design as the pump which is to be replaced.

(4) To any case where any dispensing pump:

(i) Is to be installed by any person to replace a dispensing pump which is owned by such person and which was manufactured not less than five years prior to the date of such installation; or

(ii) Is to be installed by any person at any location from which such dispensing pump had been removed subsequent to November 17, 1942, by such

person for safe-keeping for a period of at least two months, or is to be installed by any person as a replacement of a pump of the same type and design which had been removed subsequent to November 17, 1942, by such person from such location for safe-keeping for a period of at least two months: *Provided*, That any person installing a dispensing pump pursuant to this paragraph (d) (4) (ii) shall keep a record showing the date and location of the removal, the type and design of the pump removed, the date of the installation and the type and design of the newly installed pump.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76 Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of August, 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 44-11937; Filed, August 10, 1944; 10:32 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 261—TRESPASS

REMOVAL OF TRESPASSING HORSES, KAIBAB NATIONAL FOREST, ARIZ.

Whereas a number of horses are trespassing and grazing on land in the Central and Ryan Allotments in the Big Springs Ranger District, and the Sitgreaves, Williams, Moritz Lake, Government Mountain and Spring Valley Allotments in the Chalender Ranger District of the Kaibab National Forest, State of Arizona; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order is issued for the occupancy, use, protection and administration of the Central and Ryan Allotments in the Big Springs Ranger District, and the Sitgreaves, Williams, Moritz Lake, Government Mountain and Spring Valley Allotments in the Chalender Ranger District of the Kaibab National Forest is issued:

Temporary closure from livestock grazing.[1] (a) The central and Ryan Allotments in the Big Springs Ranger District, and the Sitgreaves, Williams, Moritz Lake, Government Mountain and Spring Valley Allotments in the Chalender Ranger District of the Kaibab National Forest, are hereby closed for the period August 15 to October 31, 1944, to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such areas pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newsparer of general circulation in the locality in which the Kaibab National Forest is located.

Done at Washington, D. C., this 10th day of August, 1944. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 44-11963; Filed, August 10, 1944; 11:26 a. m.]

[1] This affects tabulation contained in 36 CFR, 261.50.

TITLE 42—PUBLIC HEALTH

Chapter I—United States Public Health Service, Federal Security Agency

PART 28—PAYMENTS TO PROVIDE TRAINING FOR NURSES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in Public Law 74, 78th Congress, approved June 15, 1943, as amended by Public Law 248, 78th Congress, approved March 4, 1944, providing for the training of nurses for the armed forces, governmental and civilian hospitals, health agencies and war industries, through grants to institutions providing such training, and for other purposes, and after conference with the Advisory Committee appointed by the Federal Security Administrator to represent the nursing profession, hospitals, and accredited nurses training institutions, §§ 28.4 (h), 28.5, and 28.7 (42 C.F.R. 28.1 (h); 28.5; 28.7) of the regulations of the Surgeon General, United States Public Health Service, governing payments to provide training for nurses are hereby amended to read as follows:

§ 28.1 *Definitions of terms used in the act and in these regulations.* (h) *Training period.* This term refers to the combined pre-cadet period, junior cadet period, and senior cadet period. With reference to a basic nursing curriculum for which a degree is given, this training period may not exceed thirty-six months in length.

§ 28.5 *Approval of plans and determination of allotments.* An institution desiring to receive an allotment under this act must submit to the Surgeon General, on forms provided by the Public Health Service, a proposed plan for participation in any of the programs defined above, including supporting budgets for the current Federal fiscal year. Students in the school may enroll in the Corps only when the plan goes into effect or on the first day of any succeeding month.

Plans for new programs or revised budgets for existing programs may be submitted for approval at any time during the Federal fiscal year. Consideration and approval of such plans or budgets will be contingent upon availability of funds for allotment.

A plan for training of nurses may be limited to basic student nurse training, or to postgraduate or refresher-nursing programs, or may include any or all of these. A plan submitted by any institution will be approved only if it conforms to the requirements of Public Law 74, 78th Congress, and to the requirements for participation set forth in §§ 28.2, 28.3, and 28.4, of these regulations. A plan may be approved by the Surgeon General for a period of three months, six months, or one year. Not less than thirty days before the end of such period the institution must submit a plan for the continuation of the program for approval by the Surgeon General. The Surgeon General may disapprove the plan for continued participation by the institution. In such event no further allotments will be made. If a plan is approved Federal funds will be allotted by the Surgeon General within the limits of available appropriations.

Allotments will be limited to the following:

(a) *Student nurse (basic) training program.* (1) Reasonable tuition and fees for pre-cadet and junior cadet nurses, and reasonable fees for senior cadet nurses.

(2) Reasonable maintenance for the student's first nine months in the training period: *Provided*, That during such first nine months the hours of student practice in the hospital do not exceed an average of twenty-four per week and that the hours of combined practice and class do not exceed forty-eight in any one week: *Provided further*, That the Surgeon General may in the case of schools in which combined pre-cadet and junior cadet periods are less than thirty months waive this limitation.

(3) Stipends of $15 per month for pre-cadet nurses and $20 per month for junior cadet nurses, which shall be paid by the school to the student at the end of each month or semi-monthly, depending upon the fiscal policies of the school. These allotments will not include stipends to senior cadet nurses. These must be paid by the institution to which an allotment was made or to which the senior cadet nurse was transferred for training.

(4) An amount covering the cost of outdoor uniforms and insignia not to exceed a reasonable amount to be determined by the Surgeon General; such allowances for uniforms and insignia may be expended only if such uniforms and insignia conform to the requirements as outlined in "Regulations for uniforms for U. S. Cadet Nurse Corps" as prescribed by the Surgeon General.

(b) *Refresher program.* Reasonable instructional costs and fees.

(c) *Postgraduate program.* Reasonable tuition, fees, and maintenance.

§ 28.7 *Methods of payment for student nurse training programs and for*

postgraduate programs. (a) Payments from an allotment may be made on a six months prepayment basis for the first half of the Federal fiscal year and quarterly thereafter for estimated expenditures for plans approved. The first payme t will be made as near as possible to the beginning of the Federal fiscal year. On or before thirty days after the close of each Federal fiscal quarter the school must submit a certified statement giving the names of all students admitted under the plan during the preceding quarter and full information concerning the present status of all students for whom prepayments were made, and an accounting of all Federal funds received. The first quarterly expenditure report shall include expenditures for the first quarter and budget estimates for the first quarter. The expenditure report for the second quarter shall include expenditures for the second quarter and budget estimates for the fourth quarter. The account will be audited upon receipt and payment for the next quarter will be adjusted on the basis of the total unobligated balance of funds from preceding quarter or quarters, the number of remaining students for whom prepayments are to be made, and the number of students scheduled to enroll during the ensuing quarter. Within thirty days after the close of the Federal fiscal year the institution shall furnish a statement of receipts and disbursements for the period covered by its budget within the fiscal year.

The term "unobligated balance of funds" includes but is not limited to such items as (1) the full amount of tuition, fees, maintenance, and stipends budgeted for those students who failed to enter the plan, (2) that portion of tuition and fees customarily refundable for those students who have withdrawn during the quarter, (3) maintenance for each such student from the date when he or she withdrew from the plan to the end of the quarter, (4) stipends not earned by and not paid to those students who have withdrawn during the quarter. In computing earned stipends, and maintenance for periods of less than a full month, daily rates amounting to one-thirtieth the monthly rate should be used.

Dated: August 8, 1944.

[SEAL] THOMAS PARRAN,
Surgeon General,
Public Health Service.

Approved: August 9, 1944.

WATSON B. MILLER,
Acting Federal Security
Administrator.

[F. R. Doc. 44-11956; Filed, August 10, 1944; 11:19 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 241]

WASHINGTON

WITHDRAWAL OF PUBLIC LANDS FOR USE OF NAVY DEPARTMENT AS AERIAL GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Navy Department as an aerial gunnery range:

WILLAMETTE MERIDIAN

T. 4 N., R. 21 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1 and 2, SE¼NE¼ and NE¼SE¼;
Sec. 10, N½, SE¼, and E½SW¼;
Secs. 11 to 14, inclusive;
Sec. 15, NE¼ and E½SE¼;
Sec. 22, NE¼NE¼;
Secs. 23, 24, and 25;
Sec. 26, NE¼, E½NW¼ and SE¼;
Sec. 35, E½NE¼;
Sec. 36, N½NE¼, SW¼NE¼ and NW¼.
T. 5 N., R. 21 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1 and 2, S½N½ and S½;
Sec. 5, SE¼NE¼ and S½;
Sec. 6, SE¼SE¼;
Sec. 7, E½E½;
Secs. 8 to 16, inclusive;
Sec. 17, N½, E½SW¼ and SE¼;
Sec. 20, NE¼, N½SE¼ and SE¼SE¼;
Secs. 21 to 28, inclusive;
Sec. 29, NE¼NE¼;
Sec. 33, NE¼, E½NW¼ and SE¼;
Secs. 34, 35, and 36.
T. 6 N., R. 21 E.,
Sec. 25, SE¼SE¼;
Sec. 34, SE¼SW¼ and SE¼;
Sec. 35, S½NE¼, SE¼NW¼ and S½;
Sec 36.
T. 4 N., R. 22 E.,
Secs. 1 to 21, inclusive;
Sec. 22, N½, SW¼ and N½SE¼;
Sec. 23, N½NE¼, SW¼NE¼ and NW¼;
Sec. 24, NW¼NW¼;
Sec. 28, N½NE¼, N½NW¼ and SW¼NW¼;
Sec. 29, N½, N½SW¼ and NW¼SE¼;
Sec. 30;
Sec. 31, lot 1 and NE¼NW¼.
T. 5 N., R. 22 E.
T. 6 N., R. 22 E.,
Sec. 13, E½SW¼, SW¼SW¼ and SE¼;
Sec. 14, SE¼SE¼;
Sec. 21, SE¼SW¼, NE¼SE¼ and S½SE¼;
Sec. 22, S½NE¼ and S½;
Secs. 23 to 28, inclusive;
Sec. 29, NE¼, S½NW¼ and S½;
Sec. 30, lot 4, E½SW¼ and SE¼;
Secs. 31 to 36, inclusive.
T. 4 N., R. 23 E.,
Sec. 1, lots 1 to 4, inclusive, SW¼NE¼, S½NW¼ and NW¼SW¼;
Sec. 2, N½, SW¼ and N½SE¼;
Secs. 3 to 8, inclusive;
Sec. 9, N½, N½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 10, N½NE¼ and NW¼;
Sec. 17, N½NW¼;
Sec. 18, lots 1, 2, and 3, NE¼, E½NW¼ and NE¼SW¼.
T. 5 N., R. 23 E.
T. 6 N., R. 23 E.,
Sec. 1, lots 1 and 2, S½NE¼, S½NW¼ and S½;
Sec. 2, NE¼SW¼, S½SW¼ and SE¼;
Sec. 3, SE¼SE¼;
Sec. 8, SE¼SW¼, NE¼SE¼ and S½SE¼;
Sec. 9, S½NE¼ and S½;
Secs. 10 to 17, inclusive;
Sec. 18, lots 2, 3, and 4, NE¼, SE¼NW¼, E½SW¼ and SE¼;
Secs. 19 to 36, inclusive.
T. 5 N., R. 24 E.,
Secs. 1 to 23, inclusive;
Sec. 24, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 25, NW¼NW¼;
Sec. 26, N½NE¼ and NW¼;
Sec. 27, N½, N½SW¼, SW¼SW¼ and N½SE¼;
Secs. 28, 29, and 30;
Sec. 31, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 32, N½ and N½SW¼;
Sec. 33, NW¼NE¼ and N½NW¼.
T. 6 N., R. 24 E.
T. 7 N., R. 24 E.,
Sec. 24, S½SE¼;
Sec. 25;
Sec. 26, S½NE¼, SE¼NW¼ and S½;
Sec. 27, S½SW¼, NE¼SE¼ and S½SE¼;
Sec. 31, S½SE¼;
Sec. 32, SE¼NE¼ and S½;
Sec. 33, NE¼, NE¼NW¼, S½NW¼ and S½;
Secs. 34, 35, and 36.
T. 5 N., R. 25 E.,
Secs. 1 to 11, inclusive;
Sec. 12, N½, N½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 14, N½NW¼;
Sec. 15, N½NE¼, SW¼NE¼, NW¼ and NW¼SW¼;
Sec. 16, N½, SW¼ and N½SE¼;
Secs. 17 and 18;
Sec. 19, lots 1, 2, and 3, NE¼, E½NW¼ and NE¼SW¼;
Sec. 20, NW¼NE¼, N½NW¼ and SW¼NW¼.
T. 6 N., R. 25 E.
T. 7 N., R. 25 E.,
Sec. 13;
Sec. 14, NE¼, NE¼NW¼, S½NW¼ and S½;
Sec. 15, S½NE¼ and S½;
Sec. 16, SE¼SW¼, NE¼SE¼ and S½SE¼;
Sec. 19, lot 4, SE¼NE¼, E½SW¼ and SE¼;
Sec. 20, NE¼, S½NW¼ and S½;
Secs. 21 to 36, inclusive.
T. 5 N., R. 26 E.,
Secs. 1 to 6, inclusive;
Sec. 7, lots 1 and 2, N½NE¼ and E½NW¼.
T. 6 N., R. 26 E.
T. 7 N., R. 26 E.,
Secs. 13 to 36, inclusive.
T. 5 N., R. 27 E.,
Secs. 5 and 6.
T. 6 N., R. 27 E.,
Secs. 5 to 8, secs. 17 to 20, and secs. 29 to 32, inclusive.
T. 7 N., R. 27 E.,
Secs. 17 to 20 and secs. 29 to 32, inclusive.

The areas described, including both public and nonpublic lands, aggregate 270,345.02 acres.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects any of the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 1, 1944.

[F. R. Doc. 44-11965; Filed, August 10, 1944; 11:30 a. m.]

[Circular 1160a]

PART 295—WITHDRAWALS AND RESTORATIONS

WITHDRAWALS FOR STOCK DRIVEWAYS AND WATER HOLES

The center head preceding § 295.6 is amended to read "Withdrawals for Stock Driveways and Water Holes", and § 295.7 (c) is amended to read as follows:

(c) Lands withdrawn for driveways for stock or in connection with water holes are not subject to entry or disposition, and applications for the acquisition of lands so withdrawn will be rejected by the register. Applications to lease or use such lands under any appropriate public land law, until such time as they may be needed for the purposes of the withdrawal, and where the proposed use will not interfere with such purposes, will receive consideration.

(Sec. 11, 39 Stat. 865; 43 U.S.C. 301)

FRED W. JOHNSON,
Commissioner.

Approved: August 9, 1944.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 44-11964; Filed, August 10, 1944; 11:30 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 51—CLASSIFICATION OF TELEPHONE EMPLOYEES

The Commission on July 25, 1944, effective immediately, revised Part 51 and its related Schedule 461[1] of Annual Report Form M, and deleted Schedule 461A.

The revised Part 51 is as follows:

DEFINITIONS

[1] Schedule 461 to be filed with the Division of the Federal Register.

COUNTING EMPLOYEES

INFORMATION REQUIRED

CLASSIFICATION ON BASIS OF CHARACTER OF SERVICE

AUTHORITY: §§ 51.1, to 51.39, inclusive, issued under Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); Sec. 219 (a), 48 Stat. 1077; 47 U.S.C. 219 (a); Sec. 220 (a), 48 Stat. 1078; 47 U.S.C. 220 (a).

DEFINITIONS

§ 51.1 *Employees.* (a) For the purpose of statistical count and classification the word employees, as used in this part, is intended to include all persons in the service of the reporting company subject to its continuing authority to supervise and direct the manner of rendition of their service.

(b) All persons employed by the company as agents and paid exclusively on a commission basis should not be reported as employees of the company.

(c) Temporary, occasional, extra and similar employees should be included in the count of employees.

(d) Employees who are on paid vacations during the period for which information is required should be reported as regular employees.

(e) Employees on leave of absence or furloughs not paid for by the company should not be included in the statistical count and classification.

(f) Employees temporarily on leave on account of disability due to accident or sickness should be included in the statistical count and classification.

(g) Pensioners not required to render service should not be included as employees of the company. Pensioners recalled to service should be counted as regular employees and should be counted and classified in the occupational group in which they are employed.

COUNTING EMPLOYEES

§ 51.11 *Method; time at which counted.* Telephone companies are required to classify and count their employees, male and female separately, at two different times each year; viz, as of the end of each of the months of June and October. The last day of the month shall be considered the end of the month, except when it falls on a Sunday or a holiday, in which case the count shall be made as of the last preceding business day. Every person sustaining to the telephone company the relation of employee, as defined in § 51.1, shall be included in the count.

§ 51.12 *Joint employees.* (a) Each person (except as provided in paragraph (b)) concurrently engaged under a joint arrangement in the service of two or more telephone companies, shall be considered a joint employee and shall be counted by each telephone company involved in such joint service arrangement and represented in its return of the number of employees by a fraction based on the number of telephone companies served. For example, if such an employee is in the service of three telephone companies, each such company shall report him under the number of employees as one-third of an employee. If, however, the entire compensation of an employee concurrently engaged in the service of two or more telephone companies is borne by a single telephone company, he shall, for the purpose of these returns, be treated as an employee of that company and not as a "joint" employee.

(b) A person employed by and serving two or more telephone companies in the capacity of a general officer but acting independently for each company shall be counted and reported as one employee by each company. The term "general officer" as here used means an officer serving a company in such a capacity as that of president, vice president, secretary, treasurer, general counsel, general solicitor, controller, general auditor, general manager, or chief engineer.

INFORMATION REQUIRED

§ 51.21 *Scheduled weekly hours.* (a) The total number of weekly hours scheduled for employees at the end of October in each classification set forth in §§ 51.32 to 51.39, inclusive, shall be reported.

(b) Scheduled weekly hours are defined as an employee's regular tour of duty multiplied by the number of days, or fraction of days, scheduled to be worked during a week.

(c) For each occupational classification the total number of weekly hours scheduled shall include the hours of work of part-time and full-time employees.

(d) Full-time employees are those regularly assigned full time. Part-time employees are those regularly assigned shorter hours than a full-time schedule.

(e) Scheduled hours should include paid vacation and holiday hours.

(f) The hours of work of employees temporarily on leave on account of disability due to accident or sickness should be reported as the regularly scheduled hours of these employees.

§ 51.22 *Scheduled weekly compensation.* (a) The total amount of weekly compensation scheduled for employees at the end of October in each classification set forth in §§ 51.32 to 51.39 inclusive, shall be reported.

(b) Scheduled weekly compensation is defined as the wages scheduled to be paid for scheduled weekly hours as defined above in § 51.21 (b). This should include employee contributions for old age bene-

fits, unemployment insurance and similar deductions, paid vacation and holiday hours, the regularly scheduled weekly compensation of employees temporarily on leave due to disability or sickness, and the scheduled weekly compensation of both full-time and part-time employees.

(c) Payments scheduled to pensioners should not be included.

§ 51.23 *Hourly rate of pay.* (a) Persons in the employ of the company at the end of October in occupational groups outlined below in §§ 51.33 to 51.39 inclusive shall be classified according to their hourly rate of pay.

(b) The hourly rate of pay is defined as the scheduled weekly compensation, as described in § 51.22, divided by the scheduled weekly hours, as defined in § 51.21.

CLASSIFICATION ON BASIS OF CHARACTER OF SERVICE

§ 51.31 *Basis of classification.* Employees shall be classified with respect to character of service rendered in accordance with definitions of classes given below. Where an employee's duties are such as to make him includable in two or more classes, he shall be counted under that classification most representative of his work or in which he regularly spends the greater part of his time.

§ 51.32 *Officials and managerial assistants.* Include in this group employees who are primarily concerned with responsible policy-making, or with planning, supervising, coordinating or guiding the work activity of others, usually through intermediate supervisors or foremen. Employees reported in this group should be subdivided and reported separately as indicated in (a) and (b) below.

NOTE: Employees in occupations that embrace supervisory functions of the character exercised by foremen, but that involve limited aspects of policy-making and management should not be reported in § 51.32 but should be included in §§ 51.34, 51.35, 51.36, 51.37, or 51.38 whichever is applicable. Subordinates of employees included in § 51.32 whose supervisory responsibilities relate primarily to technical, professional or staff activities should be included in § 51.33.

(a) *General and assistant general officers.* Include under this head such employees as president, vice-president, secretary, general managers, administrative heads of the treasury, engineering, legal, and accounting departments, and all associated assistant general officers such as assistant vice-presidents, assistant secretaries, assistant treasurers, etc. This group should also include immediate subordinates of general officers who serve as administrative heads of personnel, public relations, information or similar subdivisions of the company.

(b) *Other officials and assistants.* Include under this head such employees as general, division and district managers and assistant managers in the various departments of the company; sales or directory managers not primarily concerned with staff activities. This group should also include comparable managerial employees in other departments, such as area auditors, auditors of disbursements or auditors of receipts.

§ 51.33 *Professional and semi-professional employees.* Include in this group employees in such occupations that require for the proper performance of the work either extensive and comprehensive academic study, or experience of such extent and character as to provide an equivalent background, or a combination of such education and experience. Some of the occupations within this group may require similar backgrounds with respect to education, training and experience as professional occupations but call for a lower level of initiative or judgment. Employees in such semi-professional occupations deal with less complicated work situations than those in fields which are considered professional. This group should also include employees who provide staff assistance which is based on their extensive training and experience in specialized types of work involved in the telephone business. Employees reported in this group should be subdivided and reported separately as indicated in (a) and (b) below.

(a) *Draftsmen.* Include under this head chief draftsmen and draftsmen.

(b) *Other professional and semi-professional employees.* Include under this head all accountants, attorneys and engineers not included in § 51.32, right-of-way agents, physicians, nurses, editors, laboratory technicians, and all other technical, professional employees and staff specialists, such as tax agents, statisticians, commercial, rate, directory or sales engineers, and personnel, employment, advertising, training, safety or methods specialists. Draftsmen should not be reported under this head but should be counted under (a) above.

§ 51.34 *Business office and sales employees.* Include in this group all employees primarily engaged in handling business contacts with the general public by telephone, correspondence or personal interview with respect to orders involving new or existing telephone services, the provision of information or advice concerning such services, or (except for the receipt of payments by cashiers or tellers) the collection of revenues derived therefrom. This group should also include employees primarily engaged in the detailed supervision of such activities. Employees included in this group should be subdivided and reported separately as indicated in (a) and (b) below.

NOTE: Clerical employees who assist in the work of sales employees should not be reported in this group but should be classified in § 51.35.

(a) *Supervisors of business office and sales employees.* Include under this head such employees as public office, local, unit or non-functional managers; business office, sales or coin telephone supervisors.

(b) *Non-supervising business office and sales employees.* Include under this head such employees as commercial, public office or service representatives; salesmen; commercial service observers, instructors or coaches; coin telephone collectors.

§ 51.35 *Clerical employees.* Include in this group all employees who primarily transcribe, prepare, transfer, systematize or preserve written communications or records, together with employees such as cashiers or tellers who receive or disburse funds, office boys or messengers, and others who perform miscellaneous types of office duties. Some of these activities include, in part or in whole, the operation of such mechanical devices as typewriters, bookkeeping, computing or punch-card machines. This group should also include employees primarily engaged in the detailed supervision of such activities. Employees included in this group should be subdivided and reported separately as indicated in (a) and (b) below.

(a) *Supervisors of clerical employees.* Include under this head such employees as chief clerks (if supervising) and office managers; supervising stenographers or typists; cashiers (if supervising) chief tellers or paymasters; accounts or toll supervisors; service order supervisors or chief service order clerks; supervisors of payrolls, materials, estimates, vouchers, invoices, or reports and results; all other supervising clerks.

(b) *Non-supervising clerical employees.* Include under this head clerical employees exclusive of supervisors of clerical forces. Employees classified under (b) should be further subdivided according to their departmental classification, as Commercial Department, Traffic Department, Plant Department, Accounting Department, and All Other Departments. Clerical employees include such employees as stenographers, typists, bookkeepers, bookkeeping machine operators, cashiers, receptionists, paymasters, timekeepers, checkers, office messengers, file clerks, repair service clerks, accounting and auditing clerks, and time clerks.

§ 51.36 *Telephone operators.* Include in this group all employees primarily engaged in the operation of telephone or teletypewriter switchboards (including official and nonofficial private branch exchange, public pay station, information, intercept or telegraph boards and similar auxiliary switchboard apparatus). This group should also include all Traffic Department employees primarily engaged in making tests or inspections at central office or on subscribers' premises regarding switchboard service or otherwise investigating or adjusting subscribers' service complaints, and Plant or Traffic Department employees making and recording routine detailed observations of switchboard service. Employees primarily engaged in the detailed supervision of such activities or in the instruction of operators should also be reported in this group. Employees included in this group should be subdivided and reported separately as indicated in (a), (b), (c) and (d) below.

(a) *Chief operators, supervisors and instructors.* Include under this head such employees as chief, evening chief, night chief, or assistant chief operators; supervisors; PBX or public pay station chief operators or supervisors; central office or student instructors; PBX or TWX instructors; chief service observers.

(b) *Experienced switchboard operators.* Include under this head such em-

ployees as telephone, PBX or TWX switchboard operators; information, intercept, or sender monitor operators. Such employees should have at least 12 months' training and/or experience.

(c) *Operators in training.* Include under this head all student or junior operators during their first year of training in switchboard operation.

(d) *Other switchboard employees.* Include under this head such employees as public pay station attendants and service observers.

§ 51.37 *Construction, installation and maintenance employees.* Include in this group all employees primarily engaged in the construction, installation, inspection, testing or repair of central office or subscribers' equipment or of outside plant who are in skilled or semi-skilled occupations. This group should also include unskilled laborers employed in construction, installation or maintenance work as well as employees primarily engaged in the detailed supervision of such activities. Employees included in this group should be subdivided and reported separately as indicated in (a), (b), (c), (d) and (e) below.

(a) *Foremen of telephone craftsmen.* Include under this head all foremen of employees classified under (b), (c), (d) and (e) below, such as supervising foremen of construction, installation or maintenance; wire chiefs or chief switchmen; central office installation, station installation, line, cable placing, splicing or conduit foremen; foremen of exchange repairmen.

(b) *Central office craftsmen.* Include under this head such employees as central office installers or repairmen, switchmen, framemen or wiremen; testboardmen, testdeskmen, transmissionmen, or powermen; central office inspectors. Employees reported under (b) should be further subdivided as indicated below under (1), (2) and (3).

(1) *Testboardmen and repeatermen.* Include under this head all employees engaged at central offices in making tests of plant equipment.

(2) *Repairmen, central office.* Include under this head all employees engaged in the maintenance of central office equipment.

(3) *All other central office craftsmen.* Include under this head all central office craftsmen not counted in (1) and (2) above. Employees receiving training as apprentices in central office construction, installation and maintenance work should be included in this group. Employees classified in this subsection should be limited to those engaged in skilled or semi-skilled work such as central office installers or inspectors.

(c) *Installation and exchange repair craftsmen.* Include under this head such employees as station or PBX installers; exchange repairmen; installer-repairmen or combination-men. Employees reported under (c) should be further subdivided as indicated below under (1), (2) and (3).

(1) *PBX and station installers.* Include under this head all employees engaged in installing station or private branch exchange equipment. Central office installers should not be included in this subsection but should be reported under (b) above.

(2) *Exchange repairmen.* Include under this head all employees engaged in the maintenance of station or private branch exchange equipment.

(3) *All other installation and exchange repair craftsmen.* Include under this head all installation and exchange repair craftsmen not counted in (1) and (2) above. Employees receiving training as apprentices in installation and exchange repair work should be included in this group. Employees classified in this subsection should be limited to those engaged in skilled or semi-skilled work.

(d) *Line, cable and conduit craftsmen.* Include under this head such employees as linemen, linemen-chauffeurs, toll repairmen or line inspectors; cablemen, cable splicers and helpers, or cable testers; groundmen; conduitmen. Employees reported under (d) should be further subdivided as indicated below under (1), (2), (3) and (4).

(1) *Linemen.* Include under this head all employees engaged in aerial work incidental to the construction, modification or maintenance of aerial plant.

(2) *Cable splicers.* Include under this head all employees engaged in splicing cables.

(3) *Cable splicers' helpers.* Include under this head all employees engaged in assisting cable splicers.

(4) *All other line, cable and conduit craftsmen.* Include under this head all line, cable and conduit craftsmen not counted in (1), (2), and (3) above. Employees receiving training as apprentices in line and conduit work should be included in this group. Do not include in this subsection apprentice splicers who should be classified in (3) above. Employees classified in this subsection should be limited to those engaged in skilled or semi-skilled work. Unskilled conduit laborers should be included in (e) below.

(e) *Laborers.* Include under this head all unskilled laborers employed in construction, installation or maintenance work.

§ 51.38 *Building, supplies and motor vehicle employees.* Include in this group all employees primarily engaged in the maintenance of buildings or offices; in restrooms, lunchrooms, or similar personal services; in supply services; in the operation or maintenance of motor vehicles. This group should also include employees primarily engaged in the detailed supervision of such activities. Employees included in this group should be subdivided and reported separately under (a), (b), (c) or (d) below.

(a) *Foremen of building, supplies and motor vehicle employees.* Include under this head such employees as supervising foremen of buildings, supplies or motor vehicles; house service, building maintenance, garage, shop or supplies foremen; dining service supervisors.

(b) *Mechanics.* Include under this head non-supervising employees in skilled occupations related to the maintenance of buildings, supplies and motor vehicles, such as stationary engineers, carpenters, painters, building electricians, plumbers and garage or shop mechanics.

(c) *Other building service employees.* Include under this head all non-supervising building service employees, exclusive of building mechanics, such as janitors, porters, watchmen, elevator operators, firemen, guards and non-supervising dining service, restroom or locker-room employees.

(d) *Other supplies and motor vehicle employees.* Include under this head all non-supervising supplies and motor vehicle employees, exclusive of supplies and motor vehicle mechanics, such as stockmen, yardmen and garagemen.

§ 51.39 *All other employees, not elsewhere classified.* Include in this group all employees not reported under §§ 51.32 to 51.38 inclusive.

By the Commission,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-11939; Filed, August 10, 1944; 10:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

AREAS OPEN TO SALMON TRAPS

Effective only through December 31, 1944, § 211.12 *Areas open to salmon traps,* is amended as follows:

Paragraph (n) is hereby suspended.

OSCAR L. CHAPMAN,
Assistant Secretary.

AUGUST 5, 1944.

[F. R. Doc. 44-11962; Filed, August 10, 1944; 11:30 a. m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION.

MARIETTA BROADCASTING CO.

ORDER SETTING HEARING DATE ON STATED ISSUES

In re application of Marietta Broadcasting Company (New) (Virgil V. Evans, owner), Marietta, Georgia, for construction permit, Docket No. 6646, File No. B3-P-3573.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 1st day of August, 1944;

The Commission having under consideration an application (filed February 5, 1944) by Marietta Broadcasting Company (Virgil V. Evans, owner) for construction permit for a new standard broadcast station at Marietta, Georgia (File No. B3-P-3573);

It is ordered, That the application be, and the same is hereby, designated for hearing on the following issues:

1. To determine the legal, technical, and financial qualifications of the applicant to construct and operate the proposed station.

2. To determine whether the applicant is the real party in interest in this application.

3. To obtain full information with respect to applications previously filed by Virgil V. Evans and enterprises owned or controlled by him.

4. To obtain full information with respect to permits and licenses previously issued to Virgil V. Evans and enterprises owned or controlled by him.

5. To obtain full information with respect to the nature and character of the proposed program service.

6. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942, or any subsequent modifications thereof.

7. To determine the areas and populations which would receive primary service from the operation of the proposed station, and what other broadcast services are available to these areas and populations.

8. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station WBLJ, Dalton, Georgia.

9. To determine the areas and populations which would lose primary service, particularly from Station WBLJ, as a result of the operation of the proposed station, and what other broadcast services are available to those areas and populations.

10. To determine whether the operation of the station at the proposed transmitter site would be consistent with the provisions of the Standards of Good Engineering Practice, particularly as to recommendation of minimum field intensity from 25 to 50 mv/m over the business district of the city of Marietta.

11. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

12. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, or necessity would be served through the granting of this application, the application of Fred B. Wilson and Channing Cope, d/b as Chattahoochee Broadcasters (File No. B3–P–3652, Docket No. 6647), or either of them.

It is further ordered, That the hearing in this matter be held on September 18, 1944, at 10 a. m., and consolidated with the hearing on the application of Fred B. Wilson and Channing Cope, d/b as Chattahoochee Broadcasters (Docket No. 6647); and

It is further ordered, That Dalton Broadcasting Corporation (WBLJ), Dalton, Georgia, be, and it is hereby, made a party intervener in these proceedings.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 44–11938; Filed, August 10, 1944; 10: 50 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70–A, Special Permit 435]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Chicago, Illinois, August 5, 1944, by Chas. Abbate Company, of car ART 16656, peaches, now on the Chicago Produce Terminal, to Quality Fruit Company, Manitowoc, Wisconsin. (C. & N. W.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44–11930; Filed, August 10, 1944; 10:19 a. m.]

[S. O. 70–A, Special Permit 436]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Chicago, Illinois, August 5, 1944, by La Mantia Brothers Arrigo Company, of car WFE 65020, peaches, now on the Chicago Produce Terminal to Louis Butterman, Milwaukee, Wisconsin.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Regi ter.

Issued at Washington, D. C., this 5th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44–11931; Filed, August 10, 1944; 10:19 a. m.]

[S. O. 70–A, Special Permit 437]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A, insofar as it applies to the reconsignment at Chicago, Illinois, August 5, 1944, by La Mantia Brothers Arrigo of car FGE 32405, peaches, now on the Chicago Produce Terminal, to Madison, Wisconsin, via CMStP&P.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44–11932; Filed, August 10, 1944; 10:19 a. m.]

[S. O. 70–A, Special Permit 438]

RECONSIGNMENT OF ORANGES AT PITTSBURGH, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Pittsburgh, Pennsylvania, August 3, 1944, by Mailloux Fruit and Produce Company, Chicago, Illinois, of car PFE 34601, oranges, now on the Pennsylvania Railroad to Mailloux Fruit and produce Company, Newark, New Jersey, via Pennsylvania Railroad. Car originated at Highland, California, routed SP–RI–Pa RR.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44–11933; Filed, August 10, 1944; 10:19 a. m.]

[S. O. 200, Special Permit 152]

REICING OF POTATOES AT BALDWIN, FLA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice NP 98043, potatoes, at Baldwin, Florida, on Seaboard Air Line. Car originating Sunnyside, Washington, routed NP–CB&Q–NCStL–C of Ga–SAL consigned to Fred Piowaty, Miami, Florida.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44–11934; Filed, August 10, 1944; 10:19 a. m.]

[S. O. 200, Special Permit 153]

ICING OF POTATOES AT NORFOLK, VA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To initially ice at Norfolk, Virginia (P. R. R.) as ordered by Eastern Shore Produce Exchange, car FGEX 25931, potatoes, moving August 5, 1944, from Queponco, Maryland, to Sales Officer, Camp Gordon Johnston, Rail Head, Tallahassee, Florida (PRR–SAL).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44–11935; Filed, August 10, 1944; 10:19 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 262]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN TENNESSEE

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Silver Fleet Motor Express, Inc., Louisville, Ky.
2. Huber and Huber Motor Express, Inc., Louisville, Ky.
3. Dixie Ohio Express Co., Inc., Akron, Ohio.
4. Killion Motor Express, Inc., Washington, Ind.
5. Hyatt Spaulding and Herman Gettlefinger, doing business as Blue & Gray Transportation Co., Cincinnati, Ohio.

[1] Filed as part of the original document.

6. Central Motor Express, Inc., Chattanooga, Tenn.
7. Hoover Motor Express Company, Inc., Nashville, Tenn.
8. Associated Transport, Inc., New York, N. Y.
9. Mason & Dixon Lines, Inc., Kingsport, Tenn.
10. ET & WNC Transportation Co. (a corporation), Johnson City, Tenn.

[F. R. Doc. 44–11940; Filed, August 10, 1944; 11:12 a. m.]

[Supp. Order ODT 3, Rev. 263]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN FORT SMITH, ARK. AND MUSKOGEE, OKLA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permision for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, excange, pooling, or other act.

[1] Filed as part of the original document.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

1. The Santa Fe Trail Transportation Co. (a corporation), Wichita, Kans.
2. E. W. Lyman, Opal Bowlin Lyman, Lucille Lyman Porter and Mrs. Frances Ring (Heirs at Law), Ralph W. Porter, Trustee, doing business as Lyman Truck Lines, Muskogee, Okla.
3. Keystone Freight Lines (a corporation), Tulsa, Okla.

[F. R. Doc. 44–11941; Filed, August 10, 1944; 11:12 a. m.]

[Supp. Order ODT 3, Rev. 264]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN ATLANTA AND WEST POINT, GA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transporta-

tion capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

1. A. A. A. Highway Express, Inc., Atlanta, Ga.
2. Georgia Highway Express, Inc., Atlanta, Ga.

[F. R. Doc. 44-11942; Filed, August 10, 1944; 11:13 a. m.]

[Supp. Order ODT 3, Rev. 265]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN PIONTS IN MINNESOTA AND SOUTH DAKOTA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Matt W. Hanten and Ray Wheaton, copartners, doing business as Western Transportation Co., Watertown, S. Dak.

Harry Speckeen, doing business as Speckeen Transportation Co., Ortonville, Minn.

G. & F. Transportation Co., Inc., Aberdeen, S. Dak.

[F. R. Doc. 44-11943; Filed, August 10, 1944; 11:12 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev. 267]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN FORT WAYNE, IND., AND CHICAGO, ILL.

Upon consideration of a plan for joint action filed with the Office of Defense

Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plain for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Days Transfer, Inc., Elkhart, Ind.
2. F & S Transit Company, Inc., South Bend, Ind.
3. Clem J. Getty, doing business as Lime City Trucking Co., Huntington, Ind.
4. Norwalk Truck Line Co., Norwalk, Ohio.
5. O. I. M. Transit Corporation, Fort Wayne, Ind.
6. Security Cartage Co., Inc., Fort Wayne, Ind.
7. Short Line Express Co., Inc., South Bend, Ind.
8. The Motor Express Inc. of Indiana, Indianapolis, Ind.
9. Mercury Motorways, Inc., South Bend, Ind.
10. Hayes Freight Lines, Inc., Mattoon, Ill.

[F. R. Doc. 44-11944; Filed, August 10, 1944; 11:13 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev. 268]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN EASTERN UNITED STATES

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the person named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, that:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier

subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior aproval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

C. C. Britt, doing business as Britt Transportation Co., Rocky Mount, N. C.

Smith's Inc., Wilson, N. C.

Roy Lee Barnes and Eddie Lewis Barnes, copartners, doing business as Barnes Truck Line, Nashville, N. C.

[F. R. Doc. 44-11945; Filed, August 10, 1944; 11:14 a. m.]

[Supp. Order ODT 3, Rev. 269]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN KANSAS CITY, MO., AND LAWRENCE, KANS.

Upon consideration of a plan for joint action filed with the Officer of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended[1] (7 F.R. 5445, 6689, 7694, 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Watson Bros. Transportation Co., Inc., Omaha, Nebr.

2. Russel A. Hall, doing business as Hall Bros. Truck Line, Lawrence, Kans.

[F. R. Doc. 44-11946; Filed, August 10, 1944; 11:14 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev. 271]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN ARIZONA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F. R. 5445, 6689, 7694; 8 F. R. 4660, 14582; 9 F. R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Lightning Moving and Warehouse Company (a corporation) Phoenix, Ariz.
2. Chambers Transfer & Storage Co. (a corporation) Phoenix, Ariz.
3. John B. Sloane, doing business as Sloane's Transfer & Storage Co. Phoenix, Ariz.

[F. R. Doc. 44-11947; Filed, August 10, 1944; 11:14 a. m.]

[Supp. Order ODT 3, Revised 272]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN MERIDIAN AND JACKSON, MISS.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pur-

[1] Filed as part of the original document.

suant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Southern Motor Express, Inc., Birmingham, Ala.

McDonough Motor Express, Inc., Meridian, Miss.

[F. R. Doc. 44-11948; Filed, August 10, 1944; 11:14 a. m.]

[Supp. Order ODT 3, Revised 273]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN GEORGIA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carries are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August, 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX

1. H. B. Arnold, doing business as H. B. Arnold Trucking Line, Americus, Ga.
2. Independent Gin Co., Americus, Ga.
3. G. E. Ansley, Americus, Ga.

[F. R. Doc. 44-11949; Filed, August 10, 1944; 11:15 a. m.]

[Supp. Order ODT 3, Revised 274]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN TENNESSEE

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947, 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful

[1] Filed as part of the original document.

prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perfrom any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportion by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Hoover Motor Express Co., Inc., Nashville, Tenn.

2. A. B. Crichton, R. M. Crichton, C. N. Crichton, M. E. Crichton, R. B. Crichton, and A. B. Crichton, Jr, Copartners, doing business as Super Service Motor Freight Co., Nashville, Tenn.

[F. R. Doc. 44-11950; Filed, August 10, 1944; 11:15 a. m.]

[Supp. Order ODT 3, Rev. 276]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN ARKANSAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carrier's possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the

[1] Filed as part of the original document.

transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption 1 hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Powell Brothers Truck Lines, Inc., Springfield, Mo.

Harvey Jones, doing business as Jones Truck Lines, Springdale, Ark.

[F. R. Doc. 44-11951; Filed, August 10, 1944; 11:15 a. m.]

[Supp. Order ODT 3, Rev. 277]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN ILLINOIS AND MISSOURI

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947, 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

[1] Filed as part of the original document.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 14, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Ben Schilli, doing business as Semo Freightways, Perryville, Mo.
2. L. E. Wunderlich, doing business as L. W. Transfer Co., Altenburg, Mo.
3. St. Marys Truck Lines, Inc., St. Marys, Mo.

[F. R. Doc. 44-11952; Filed, August 10, 1944, 11:15 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 342, Order 1]

NAIL KEG STAVES

APPROVAL OF MAXIMUM PRICES

Order No. 1 under section 6 of Revised Maximum Price Regulation 342. Nail kegs and nail keg staves and heading.

Applications have been made by principal producers representing more than 60 percent of the nail keg stave industry for increased prices on staves on the basis that present production costs will not permit production at present ceiling prices. The problem is general in nature, and the data supporting the individual applications are inadequate for general price action. Since maximum production of staves is necessary for use in nail kegs to package essential war commodities, and acquisition of necessary additional data will require some time, the granting of authorization to use adjustable pricing, pending receipt of additional information and further action by this Office, is deemed necessary to promote production and distribution of the commodities involved. The granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942,

as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to section 6 of Revised Maximum Price Regulation 342; *It is ordered:*

(a) Sellers of nail keg staves under Revised Maximum Price Regulation 342 may sell and deliver, and any person may buy and receive from such sellers, nail keg staves at prices adjustable to those later established by the Office of Price Administration.

(b) However, prices in excess of the maximums currently established in the regulation may not be collected or paid, pending further action by this Office.

(c) This order shall expire at the end of 60 days from its effective date.

This order shall become effective August 10, 1944.

Issued this 9th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11919; Filed, August 9, 1944; 4:33 p. m.]

[MPR 481, Order 1]

SLACK STAVES

APPROVAL OF MAXIMUM PRICES

Order No. 1 under section 9 of Maximum Price Regulation 481. Slack Cooperage and Cooperage Stock.

Applications have been made by principal producers representing more than 60 percent of the slack cooperage stave industry for increased prices on staves on the basis that present production costs will not permit production at present ceiling prices. The problem is general in nature, and the data supporting the individual applications are inadequate for general price action. Since maximum production of staves is necessary for use in kegs and barrels to package essential war commodities, and acquisition of necessary additional data will require some time, the granting of authorization to use adjustable pricing, pending receipt of additional information and further action by this Office, is deemed necessary to promote production and distribution of the commodities involved. The granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to section 9 of Maximum Price Regulation 481; *It is ordered:*

(a) Sellers of slack staves under Maximum Price Regulation 481 may sell and deliver, and any person may buy and receive from such sellers, slack staves at prices adjustable to those later established by the Office of Price Administration.

(b) However, prices in excess of the maximums currently established in the regulation may not be collected or paid, pending further action by this Office.

(c) This order shall expire at the end of 60 days from its effective date.

This order shall become effective August 10, 1944.

Issued this 9th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11918; Filed, August 9, 1944; 4:33 p. m.]

[MPR 528, Order 10]

NEW TIRES

APPROVAL OF MAXIMUM PRICES

Order No. 10 under Maximum Price Regulation 528. Tires and tubes, recapping and repairing.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Appendix A (d) of Maximum Price Regulation 528, It is ordered:

(a) *What this order covers.* This order applies only to new tires in rayon construction (1) for which specific dollar-and-cent maximum retail prices are not listed in a table in Appendix A of Maximum Price Regulation 528, and (2) which are not passenger car, motorcycle, farm tractor, or farm implement tires.

(b) Until October 15, 1944, the maximum retail price for a new tire covered by paragraph (a) made in rayon construction shall be 112½% of the maximum retail price for the same type, size and ply of a new tire made in cotton construction.

(c) All provisions of Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective August 10, 1944.

Issued this 9th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11920; Filed, August 9, 1944; 4:34 p. m.]

[Max. Import Price Reg., Order 28]

ROLEX WATCH CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 28 under section 21 of the Maximum Import Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended and by Executive Orders Nos. 9250 and 9328, it is ordered:

(a) *Effect of this order.* This order establishes maximum prices at which certain imported watches described below may be sold to retailers and ultimate consumers. These watches are imported from Switzerland by the Rolex Watch Company, Inc., 580 Fifth Avenue, New York City, hereinafter called the "importer".

(b) *Maximum prices for sales to retailers and ultimate consumers.* Neither the importer nor any other person may sell the watches described below to retailers at prices higher than those set forth in Column II. These watches may not be sold to ultimate consumers at prices, including the federal excise tax, higher than those set forth in Column III.

I Rolex model No.	II Sales to retailers	III Sales to consumers, including the Federal excise tax
4270	$66.64	$144.00
4304	55.82	120.50
4038	44.28	95.75
4272	104.43	225.50
4273	95.43	206.25
4273 (Gold)	110.93	239.50
4308	109.13	235.75
4319	112.06	242.00
3358/3	71.37	154.25
4270	114.76	248.00
4270 (SS)	114.88	248.25
4139	89.50	193.50
4211	47.00	101.25
4219	39.00	84.25
4222	100.00	216.00
4222 (Gold)	115.00	248.50
4224	36.00	77.75
4291	55.00	118.50
4315	39.75	85.75
4316	53.25	115.25

(c) *Reduction of prices.* Whenever the total landed costs to the importer on which the above maximum prices are established decrease by 5% or more, he shall immediately notify the Durable Goods Price Branch, Office of Price Administration, Washington, D. C., of the extent of the reduction in cost and the Price Administrator may then establish new maximum prices for these watches.

(d) *Importer to notify retailers.* The importer shall furnish a copy of this order to each retailer to whom any of these watches are sold and shall also include on the invoice the following statement:

The enclosed Order No. 28 issued under the Maximum Import Price Regulation by OPA establishes your maximum selling prices for these watches.

(e) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective August 10, 1944.

Issued this 9th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11921; Filed, August 9, 1944; 4:34 p. m.]

[MPR 188, Order 2060]

WEBER AND MOLLNER

APPROVAL OF MAXIMUM PRICES

Order No. 2060 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers goods other than apparel. Approval of maximum prices for sales of a utility hassock manufactured by Weber & Mollner.

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a utility hassock manufactured by Weber & Mollner, 2726–32 San Fernando Road, Los Angeles, California.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the article from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Utility hassock		*Each* $4.22	*Each* $4.96

These prices are f. o. b. factory.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article and Model No.	*Maximum price to retailers*
Utility hassock	$4.96 each

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 11th day of August 1944.

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–11972; Filed, August 10, 1944; 11:41 a. m.]

[MPR 188, Order 2061]

CHAS. T. BEATY CO.

APPROVAL OF MAXIMUM PRICES

Order No. 2061 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a step stool manufactured by the Chas. T. Beaty Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a step stool manufactured by the Chas. T. Beaty Company, 3839 Grandview Boulevard, Culver City, California.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the article from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Folding step stool	2 step red and white.	*Each* $1.53	*Each* $1.80

These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sales, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
Folding step stool	2 step red and white.	*Each* $1.80

This price is f. o. b. factory and is subject to a cash discount of 2% for payment within 10 days, net 30 days.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 11th day of August 1944.

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–11973; Filed, August 10, 1944; 11:41 a. m.]

[MPR 188, Order 2062]

MAZZONI FURNITURE SHOP & CO.

APPROVAL OF MAXIMUM PRICES

Order No. 2062 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a love seat cedar chest manufactured by Mazzoni Furniture Shop & Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of a love seat cedar chest manufactured by Mazzoni Furniture Shop & Company, 2402 Bergenline Avenue, Union City, New Jersey.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to jobbers who carry stock, the maximum price is as follows:

Article:	*Maximum price to jobbers who carry stock*
Love seat cedar chest	$24.50 per unit.

This price is f. o. b. factory.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries, on and after the effective date of this order, by jobbers who carry stock to retailers, the maximum price is as follows:

Article:	*Maximum price to retailers*
Love seat cedar chest	$29.95 per unit.

This price is f. o. b. jobbers' city.

(ii) For all sales and deliveries by jobbers who carry stock to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(3) For all sales and deliveries, at retail, on and after the effective date of this order by any person, the maximum price is as follows:

Article:	*Maximum retail price*
Love seat cedar chest	$54.75 per unit.

(b) At the time of or prior to the first invoice, after the effective date of this order, for the love seat cedar chest described above, to each purchaser for resale, the manufacturer and every jobber shall notify the purchaser for resale of the maximum price and conditions established by this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 11th day of August 1944.

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–11974; Filed, August 10, 1944; 11:39 a. m.]

[Order 79 Under 18 (c)]

BREAD

ADJUSTMENT OF MAXIMUM PRICES

Order No. 79 under § 1499.18 (c) as amended, of the General Maximum Price Regulations.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328; *It is ordered:*

(1) That the maximum price on all sales at wholesale of standard bread, baked in a one and one-half pound (1½) loaf in the following counties of the State of California, to wit: Los Angeles, Kern, San Luis Obispo, Santa Barbara, Riverside, Imperial, Orange, San Bernardino and Ventura, shall be ten and three-fifths (10⅗¢) cents; and

(2) That all sellers making sales at retail of standard bread baked in a one and one-half pound (1½) loaf, in the counties named in paragraph (1), hereof, shall increase their maximum prices on such sales by one (1¢) cent; and

(3) That, except as provided herein, the maximum prices for all such sales of standard bread shall remain subject to the provisions of Supplementary Regulation No. 14B, and to the General Maximum Price Regulation; and

(4) That this order may be amended, or revoked, by the Price Administrator, at any time; and

(5) That this order shall become effective on August 11, 1944.

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–11975; Filed, August 10, 1944; 11:41 a. m.]

[Order 80 Under 18 (c)]

BREAD

ADJUSTMENT OF MAXIMUM PRICES

Order No. 80 under § 1499.18 (c) as amended, of the General Maximum Price Regulations.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328; *It is ordered:*

(1) That the maximum prices for all sales of bread, except rye bread, sold in the Hutchison, Kansas trading area shall be as follows:

Size of loaf	Maximum price at wholesale	Maximum price at retail
20 to 22 ounce	$0.09	$0.11
29 to 32 ounce	.14	

(2) That, except as specifically provided herein, the maximum prices for all such sales of brand shall remain subject to the provisions of Supplementary Regulation No. 14B and to the General Maximum Price Regulation.

(3) That this order may be amended, or revoked, by the Price Administrator at any time.

This order shall become effective on August 11, 1944.

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–11976; Filed, August 10, 1944; 11:42 a. m.]

[MPR 528, Order 11]

GOODYEAR TIRE AND RUBBER CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Appendix A (d) of Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail prices for the following sizes of new Stop-Start truck tires, shall be:

Stop-start size	Equivalent standard highway size	Ply	Stop-start maximum price each
21	7.50–18	8	$60.15
25	7.50–24	10	80.10
30	9.00–18	10	81.85
36	9.00–22	10	88.90
37	10.00–18	12	104.45

(b) All provisions of Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective August 11, 1944.

Issued this 10th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–11977; Filed, August 10, 1944; 11:44 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 30–29]

SOUTHWESTERN PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of August, A. D. 1944.

Notice is hereby given that an application has been filed with this Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 by Southwestern Public Service Company ("Southwestern") for an order that it

has ceased to be a holding company upon consummation of the sale of its sole remaining subsidiary, Gulf Public Service Company. Applications and declarations concerning the sale of the latter company by Southwestern were approved by the Commission on August 3, 1944. Said application states that Southwestern consents and stipulates to such order of the Commission containing terms and conditions which will provide for the retention of jurisdiction by the Commission over Southwestern as to (1) the disposition by Southwestern of its interest in certain properties located in east-central Texas as required by the Commission's order dated July 8, 1942; (2) whether Southwestern may retain under section 11 (b) (1) of the act certain water and ice properties located in Oklahoma and Kansas; (3) the restriction of payment of common stock dividends unless provision has been made for a sinking fund for retirement of Southwestern's preferred stock contained in the Commission's order dated September 14, 1942, and (4) the condition in the Commission's order dated July 8, 1942 that Southwestern amortize the excess of cost of properties acquired in 1942 over the net values of such properties carried on the books of the sellers. Said application further requests that the Commission's order rescind and terminate the amended restriction on the payment by Southwestern of dividends on its common stock contained in the Commission's order of December 2, 1943 and the condition contained in the Commission's order of July 8, 1942 that no charge shall be made by Southwestern to its capital surplus account without the approval of the Commission.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect to said matter and that said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matter under the applicable provision of said act and rules and regulations of the Commission thereunder be held on August 24, 1944 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause will be shown why such application shall be granted. Notice is hereby given to said above-named applicant and to all interested persons, said notice to be given to said applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by the rules of practice, Rule XVII, on or before August 21, 1944.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings at such time. The officer so designated to preside at such hearing is hereby authorized to exercise all power granted to the Commission under section 18 (c) of said act and to the trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by said application otherwise to be considered in this proceeding, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the requested declaration of status is consistent with all applicable requirements of the act and rules thereunder;

2. Whether it is necessary or appropriate for the protection of investors to impose any terms and conditions and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-11925; Filed, August 9, 1944; 4:57 p. m.]

[File Nos. 54-74, 59-69]

NORTH CONTINENT UTILITIES CORP., ET AL.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of August, A. D. 1944.

The Commission having by order entered on November 16, 1943 approved a plan providing for the liquidation and dissolution of North Continent Utilities Corporation, a registered holding company, filed by that company and its subsidiary companies, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, designed to enable the North Continent holding company system to comply with section 11 (b) of the act, and having by said order, pursuant to section 11 (b) of the act, directed North Continent Utilities Corporation to take such action as may be necessary to cause its liquidation and dissolution;

North Continent Utilities Corporation, together with The Denver Ice and Cold Storage Company, its subsidiary company, and Raton Distributing Company, a subsidiary company of The Denver Ice and Cold Storage Company, having filed an application, designated as "Application No. 5", pursuant to the applicable provisions of said act and the rules promulgated thereunder (and in pursuance, and for the purpose, of carrying out the aforesaid Commission order concerning the liquidation and dissolution of North Continent Utilities Corporation) relating to the sale by Raton Distributing Company, a non-utility company, of its properties to Parley Roach, an individual, for a base price of $41,000 in cash, subject to certain adjustments to the date of sale, the use of the proceeds of such sale to cause ratable payments to be made on the unpaid principal of North Continent Utilities Corporation's First Lien Collateral and Refunding Gold Bonds, Series A, 5½%, due January 1, 1948, and the dissolution of Raton Distributing Company; and

A public hearing having been held after appropriate notice, the Commission having considered the record and having made and filed its opinion herein;

It is hereby ordered, Pursuant to sections 11 (b), 11 (e) and other applicable provisions of said act, that said application be and hereby is granted subject to the terms and conditions prescribed in Rule U-24.

The applicants having requested that the order entered herein contain certain findings and recitals necessary to meet the requirements of sections 371, 372, 373, and 1808 of the Internal Revenue Code, as amended;

It is further ordered and recited, That the following proposed sale by Raton Distributing Company, for money, as herein set forth, of the properties referred to herein and itemized and specified in the documents, or portions thereof, herein referred to and incorporated in this order by reference, and the proposed application of the proceeds of such sale, are necessary or appropriate to the integration or simplification of the North Continent holding company system, of which The Denver Ice and Cold Storage Company and Raton Distributing Company are members, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

(a) The sale by Raton Distributing Company of its properties to Parley Roach, an individual, for a base price of $41,000 in cash, subject to certain adjustments to the date of sale;

(b) The use by Raton Distributing Company of the net proceeds of the said sale to reduce an open account indebtedness of $49,538.23 due to The Denver Ice and Cold Storage Company;

(c) The use by The Denver Ice and Cold Storage Company of the funds to be received from Raton Distributing Company for the consideration above described in subdivision (b) to reduce the principal amount of its promissory note of $322,000 held by North Continent Utilities Corporation; and

(d) The use by North Continent Utilities Corporation of the funds to be received from The Denver Ice and Cold Storage Company for the consideration above described in subdivision (c) for ratable payments on the unpaid principal of its First Lien Collateral and Refunding Gold Bonds, Series A, 5½%, due January 1, 1948; and

The above properties referred to in subdivision (a) above being more completely specified, itemized, and described under Item 4 of section IV of the application filed herein by North Continent Utilities Corporation, The Denver Ice and Cold Storage Company, and Raton Distributing Company, and designated as "Application No. 5", which said specification, itemization, and description of the said properties contained in said Item 4 of section IV of said application are hereby incorporated by reference in this order and made a part hereof, with

the same force and effect as if set forth at length herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-11923; Filed, August 9, 1944; 4:57 p. m.]

[File No. 70-845]

FLORIDA POWER CORP. AND GENERAL GAS & ELECTRIC CORP.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of August 1944.

The Commission, by order dated February 16, 1944, under the Public Utility Holding Company Act of 1935, having in the above entitled matter permitted a joint declaration to become effective concerned primarily with the issue and sale by Florida Power Corporation, a subsidiary of General Gas & Electric Corporation, a registered holding company, of $16,500,000 principal amount of first mortgage bonds at competitive bidding, and $4,000,000 principal amount of serial debentures, an exception from the requirements of Rule U-50 having been granted in connection with the issue and sale of said debentures; said order having, among other things, reserved jurisdiction with respect to the payment of fees to Milbank, Tweed & Hope, independent counsel for the successful underwriters for the $16,500,000 principal amount of first mortgage bonds; and

Said counsel having furnished the Commission with information regarding the nature and extent of the services rendered for which a fee of $15,000 is requested; and it appearing to the Commission that under all the circumstances, such fee is not unreasonable;

It is hereby ordered, That jurisdiction with respect to the payment of said fee be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-11924; Filed, August 9, 1944; 4:57 p. m.]

[File No. 70-901]

CONSOLIDATED ELECTRIC AND GAS CO. AND PORTO RICO GAS & COKE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of August, A. D. 1944.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its subsidiary, Porto Rico Gas & Coke Company ("Porto Rico"), having filed an application and declarations pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a), 10, 12 (c), 12 (d), and 12 (f) thereof, regarding the proposed purchase by Porto Rico from Consolidated, from time to time during the remainder of 1944, of an amount not to exceed 1,500 shares of Porto Rico's 6% cumulative preferred stock at $100 per share, and the proposed use by Consolidated of the proceeds of the sale of said shares for the purchase in the open market and the retirement of Southern Cities Utilities Company Thirty-Year 5% First Lien Collateral Trust Bonds, Series A, due April 1, 1958 (assumed by Consolidated); and

A public hearing having been held upon said application and declarations, after appropriate notice, and the Commission having considered the record and made and filed its findings herein:

It is hereby ordered, That the said application be and hereby is granted, and that said declarations be and hereby are permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24, and, in respect of the proposed acquisition and retirement by Consolidated of the aforesaid Southern Cities bonds, subject to the following additional terms and conditions:

(1) That Consolidated shall not solicit or cause to be solicited from individual bondholders the sale of any of the aforesaid bonds;

(2) That no purchases shall be made directly or indirectly from persons or corporations in any way associated or affiliated with Consolidated;

(3) That Consolidated shall furnish to the Commission, promptly after the last day of each month, a schedule showing for each day covered by such report, the number of bonds purchased, the prices at which purchased, and the name of the broker through whom purchased.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-11922; Filed, August 9, 1944; 4:57 p. m.]

[File No. 70-902]

EMPIRE DISTRICT ELECTRIC CO., ET AL.

NOTICE ADOPTING REPORT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of August, A. D. 1944.

In the matter of The Empire District Electric Company, Ozark Utilities Company, Lawrence County Water, Light & Cold Storage Company, Benton County Utilities Corporation and Cities Service Power & Light Company, File No. 70-902.

The Empire District Electric Company, a subsidiary of Cities Service Power & Light Company and Cities Service Company, registered holding companies, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 regarding the solicitation of the holders of its 6% preferred stock, for votes in favor of a proposed merger plan; and

The Commission having issued its findings, opinion and order approving said merger plan and certain other transactions proposed in connection therewith, and having issued an order permitting the declaration with respect to the proposed solicitation of the preferred stockholders of The Empire District Electric Company to become effective;

It is ordered, That the report this day issued by the Commission with respect to such proposed solicitation be adopted as the report by the Commission pursuant to the provisions of section 11 (g) of the act, and that a copy of such report be delivered to each holder of the 6% preferred stock of The Empire District Electric Company solicited to execute a proxy in connection with said merger plan, prior to or in connection with the solicitation of said preferred stock holder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-11926; Filed, August 9, 1944; 4:57 p. m.]

[File No. 70-935]

INDIANA & MICHIGAN ELECTRIC CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of August, A. D. 1944.

Notice is hereby given that joint applications or declarations (or both) have been filed with this Commission under the Public Utility Holding Company Act of 1935 and particularly under sections 6 (b), 7 (e), 10 and 12 thereof and Rules U-42, U-43 and U-50 thereunder by American Gas and Electric Company ("American Gas"), a registered holding company, and Indiana & Michigan Electric Company ("Indiana & Michigan"), an electric utility subsidiary of American Gas.

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

(1) Indiana & Michigan proposes to issue notes to not more than six New York City banks in the principal amount of $7,880,000, the proceeds from such notes to be used to purchase from American Gas at its cost of $3,596,749.77 plus accrued dividends 36,017 shares of the 6% and 7% preferred stock of Indiana & Michigan and to redeem at $110 per share plus accrued dividends 38,976 shares of 6% and 7% preferred stock of Indiana & Michigan now in the hands of the public. It is proposed that all of the shares to be acquired be cancelled and that Indiana & Michigan will also surrender for cancellation 310 shares of 7% preferred stock from its treasury.

(2) Upon the acquisition and cancellation of all the presently issued preferred stock, Indiana & Michigan proposes to accept the Indiana General Corporation Act of 1929 and to restate its charter in conformity therewith. The charter as restated will provide that the

authorized shares of Indiana & Michigan will consist of 250,000 shares of $100 par value cumulative preferred stock and 1,250,000 shares of no par value common stock.

(3) Indiana & Michigan proposes to issue and sell under competitive bidding 120,000 shares of the newly authorized $100 par value cumulative preferred stock, the bid or bids thereon to fix the dividend rate and the price to be paid to the company.

(4) Indiana & Michigan also proposes to issue and sell to American Gas for cash in the amount of $3,000,000 the remainder of its now authorized but unissued common stock consisting of 129,024 shares.

(5) The proceeds of the sale of the preferred and common stock in the estimated amount of $15,000,000 are proposed to be applied by Indiana & Michigan to the payment of the notes to banks in the amount of $6,880,000, to the acquisition of certain utility properties in or near the property now being served if such acquisitions can be effected, and to the completon of its construction program.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said applications and declarations and that said applications and declarations shall not be granted nor be permitted to become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on said applications under the applicable provisions of the Act and the rules of the Commission thereunder be held on August 23, 1944 at 2.00 p. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such application should be granted. Notice is hereby given of said hearing to the applicants and declarants herein, to the Public Service Commission of Indiana, to the Michigan Public Service Commission, and to all interested parties, said notice to be given to said applicants and declarants and to the Public Service Commissions of Indiana and Michigan by registered mail and to all other persons by publication in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before August 21, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of issues presented by said application particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed issue and sale of the notes to banks and the proposed issue and sale of preferred and common stock by Indiana & Michigan is solely for the purpose of financing the business in which it is engaged.

(2) Whether the proposed acquisition of additional common stock of Indiana & Michigan by American Gas is in conformity with the applicable provisions of section 10.

(3) What terms and conditions, if any, are necessary or appropriate in the public interest or the interest of investors or consumers to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder.

(4) Whether the fees, commissions or other remunerations to be paid in connection with the proposed issue and sale of notes and preferred and common stocks are appropriate and reasonable.

(5) Whether in all other respects the proposed transactions are in conformity with the applicable provisions of the act and the rules, regulations and orders thereunder.

It is further ordered, That in the interest of expeditious procedure, all evidence contained in the record of the proceeding entitled "In the Matter of Indiana & Michigan Electric Company, American Gas and Electric Company, File No. 56–40", so far as relevant to the issues above stated, shall be incorporated in the record of the proceeding herein ordered and shall be regarded as evidence duly adduced in the present proceeding, subject to the same objections and exceptions preserved in the record of the proceeding in which first introduced.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–11928; Filed, August 9, 1944; 4:58 p. m.]

[File No. 70–941]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of August 1944.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Milwaukee Electric Railway & Transport Company, a wholly-owned subsidiary of Wisconsin Electric Power Company, and by Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company; and

Notice is further given that any interested person may not later than August 22, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest, or any request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Ony such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Milwaukee Electric Railway & Transport Company proposes (a) to redeem on September 16, 1944 at par plus accrued interest $400,000 principal amount of its First Mortgage 4% Bonds owned by Wisconsin Electric Power Company and pledged as collateral to the latter company's Mortgage and Deed of Trust dated October 28, 1938 and (b) to purchase for cash at par for retirement 10,000 shares of its capital stock of the aggregate par value of $1,000,000 from Wisconsin Electric Power Company. Wisconsin Electric Power Company seeks authorization to surrender the bonds and the stock on the basis described.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–11927; Filed, August 9, 1944; 4:57 p. m.]

WAR FOOD ADMINISTRATION.

BACHMAN LIVESTOCK COMMISSION CO., OSHKOSH, NEBR.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Bachman & Peterson Livestock Commission Company, Oshkosh, Nebraska, posted under the name of Oshkosh Live Stock Commission Company on June 14, 1941, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, and changed to Bachman & Peterson Livestock Commission Company on February 1, 1943, is now owned and operated by W. J. Bachman, John Bachman, and Dwain Williams, partners doing business as Bachman Livestock Commission Company, and that the name of the yard is now the Bachman Livestock Commission Company. Therefore, the posted name of the stockyard is changed to Bachman Livestock Com-

mission Company and notice of such fact is given to its owner, and to the public by filing notice with the Division of the Federal Register.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Done at Washington, D. C., this 9th day of August 1944.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 44–11957; Filed, August 10, 1944; 11:27 a. m.]

BACHMAN LIVESTOCK COMMISSION CO. CHAPPELL, NEBR.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Bachman & Peterson Livestock Commission Company, Chappell, Nebraska, posted under the name of Chappell Sales Pavilion on September 11, 1939, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, and changed to Bachman & Peterson Livestock Commission Company on February 1, 1943, is now owned and operated by W. J. Bachman, John Bachman, and Dwain Williams, partners doing business as Bachman Livestock Commission Company, and that the name of the yard is now the Bachman Livestock Commission Company. Therefore, the posted name of the stockyard is changed to Bachman Livestock Commission Company and notice of such fact is given to its owner, and to the public by filing notice with the Division of the Federal Register.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Done at Washington, D. C., this 9th day of August 1944.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 44–11958; Filed, August 10, 1944; 11:27 a. m.]

SPENCER LIVE STOCK EXCHANGE, SPENCER, W. VA.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Spencer Live Stock Exchange stockyards, Spencer, West Virginia, posted on August 12, 1937, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, no longer comes within the definition of a stockyard under the act. Therefore, notice of such fact is given to the owner of such stockyard and to the public by filing notice with the Division of the Federal Register.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Done at Washington, D. C., this 9th day of August 1944.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 44–11959; Filed, August 10, 1944; 11:27 a. m.]

FARMERS STOCK YARDS, CARLISLE, KY.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Farmers Stock Yards, Carlisle, Kentucky, posted on August 25, 1936, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, no longer comes within the definition of a stockyard under the act. Therefore, notice of such fact is given to the owner of such stockyard and to the public by filing notice with the Division of the Federal Register.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Done at Washington, D. C., this 9th day of August 1944.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 44–11960; Filed, August 10, 1944; 11:27 a. m.]

PRODUCERS STOCK YARDS (UNION STOCK YARDS), FOSTORIA, OHIO

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Producers Stock Yards (Union Stock Yards), Fostoria, Ohio, posted on September 21, 1928, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, as the Fostoria Union Stock Yards and changed on April 1, 1936, to Producers Stock Yards (Union Stock Yards), no longer comes within the definition of a stockyard under the act. Therefore, notice of such fact is given to the owner of such stockyard and to the public by filing notice with the Division of the Federal Register.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Done at Washington, D. C., this 9th day of August 1944.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 44–11961; Filed, August 10, 1944; 11:27 a. m.]

WAR PRODUCTION BOARD.

FOSTER JEWELRY CO.

CONSENT ORDER

Foster Jewelry Company, a corporation, in Providence, Rhode Island, jewelry manufacturer, is charged by the War Production Board with having exceeded its silver quota in 1943 by 5372.25 ounces (fine), in the first quarter, 1944 by 703 ounces (fine) and in the second quarter, 1944 by 703 ounces (fine) in violation of Conservation Order M–199. Foster Jewelry Company admits these violations, but not that they were wilful, and does not care to contest the issue of wilfulness, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Foster Jewelry Company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Foster Jewelry Company during the third quarter of 1944 shall restrict its purchases, acceptance of delivery and processing of domestic silver to 5000 ounces (fine) less than its normal quota established in pursuance of paragraph (g) of Order M–199, giving it a total available quota for said third quarter, 1944 of 1297 ounces (fine), unless otherwise authorized in writing by the War Production Board.

(b) Foster Jewelry Company during the fourth quarter of 1944 shall restrict its purchases, acceptance of delivery and processing of domestic silver to 1778.25 ounces (fine) less than its normal quota established in pursuance of paragraph (g) of Order M–199, giving it a total available quota for said fourth quarter, 1944 of 4518.75 ounces (fine), unless otherwise authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Foster Jewelry Company from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the date of issuance, but shall be deemed to affect and govern the quota for the entire third quarter of 1944, and shall expire on December 31, 1944.

Issued this 9th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–11911; Filed, August 9, 1944; 4:19 p. m.]

RUDD LACQUER CORP.

CONSENT ORDER

Rudd Lacquer Corporation, located at 127 Maiden Lane, New York, New York, engaged in the manufacture and sale of lacquers and similar products was charged by the War Production Board on July 5, 1944, with having wilfully violated § 944.11 of Priorities Regulation No. 1 as amended May 15, 1943, by having wilfully failed to dispose of materials allocated to it by the War Production Board for the purposes or uses authorized in such allocations, and with having wilfully violated § 944.15 of Priorities Regulation No. 1 as amended May 15, 1943, by having failed to maintain accurate and complete rec-

ords of its inventories of materials received on allocation or adequate and complete records of the disposition of such materials. The violations in question began on June 1, 1943, and continued through March 11, 1944. Rudd Lacquer Corporation admits the violations as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Rudd Lacquer Corporation, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) No authorizations to use, or to accept deliveries of butyl acetate and butyl alcohol as defined in Allocation Order M–159, ethyl acetate as defined in Allocation Order M–327, or aromatic solvents as defined in Conservation Order M–150, shall be made to Rudd Lacquer Corporation, its successors or assigns.

(b) Rudd Lacquer Corporation, its successors or assigns, shall not use, or accept deliveries of butyl acetate, butyl alcohol, ethyl acetate or aromatic solvents.

(c) Nothing contained in this order shall be deemed to relieve Rudd Lacquer Corporation, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect as of the date of issuance, and shall expire on December 9, 1944.

Issued this 9th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–11912; Filed, August 9, 1944; 4:19 p. m.]